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No. 14]

NEW DELHI, MARCH 31—APRIL 6, 2019, SATURDAY/CHAITRA 10— CHAITRA 16, 1941

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 29 मार्च, 2019

का.आ. 479.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 (1970 का 5) की धारा 3 की उप-धारा (2क) के दूसरे परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से बैंक आफ महाराष्ट्र की प्राधिकृत पूंजी को चार हजार करोड़ रुपए से बढ़ाकर दस हजार करोड़ रुपए करती है।

[फा. सं. 11/4/2019—बीओए-1]

ए. के. घोष, अवर सचिव

MINISTRY OF FINANCE
(Department of Financial Services)

New Delhi, the 29th March, 2019

S.O. 479.—In exercise of the powers conferred by the second proviso to sub-section (2A) of section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), the Central Government after consultation with the Reserve Bank of India, hereby increases the authorised capital of the Bank of Maharashtra from four thousand crore rupees to ten thousand crore rupees.

[F. No.11/4/2019-BOA-I]

A. K. GHOSH, Under Secy.

नई दिल्ली, 29 मार्च, 2019

का.आ. 480.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 (1970 का 5) की धारा 3 की उप-धारा (2क) के दूसरे परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से बैंक आफ इंडिया की प्राधिकृत पूंजी को तीन हजार करोड़ रुपए से बढ़ाकर छः हजार करोड़ रुपए करती है।

[फा. सं.11/8/2019-बीओए-1]

ए. के. घोष, अवर सचिव

New Delhi, the 29th March, 2019

S.O. 480.—In exercise of the powers conferred by the second proviso to sub-section (2A) of section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), the Central Government after consultation with the Reserve Bank of India, hereby increases the authorised capital of Bank of India from three thousand crore rupees to six thousand crore rupees.

[F. No.11/8/2019-BOA-I]

A. K. GHOSH, Under Secy.

नई दिल्ली, 29 मार्च, 2019

का.आ. 481.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1980 (1980 का 40) की धारा 3 की उप-धारा (2क) के दूसरे परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से आंध्रा बैंक की प्राधिकृत पूंजी को तीन हजार करोड़ रुपए से बढ़ाकर छः हजार करोड़ रुपए करती है।

[फा. सं.11/8/2019-बीओए-1]

ए. के. घोष, अवर सचिव

New Delhi, the 29th March, 2019

S.O. 481.—In exercise of the powers conferred by the second proviso to sub-section (2A) of section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) , the Central Government after consultation with the Reserve Bank of India, hereby increases the authorised capital of Andhra bank from three thousand crore rupees to six thousand crore rupees.

[F. No.11/8/2019-BOA-I]

A. K. GHOSH, Under Secy.

नई दिल्ली, 29 मार्च, 2019

का.आ. 482.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 (1970 का 5) की धारा 3 की उप-धारा (2क) के दूसरे परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से यूको बैंक की प्राधिकृत पूंजी को छः हजार करोड़ रुपए से बढ़ाकर दस हजार करोड़ रुपए करती है।

[फा. सं. 11/8/2019-बीओए-1]

ए. के. घोष, अवर सचिव

New Delhi, the 29th March, 2019

S.O. 482.—In exercise of the powers conferred by the second proviso to sub-section (2A) of section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), the Central Government after consultation with the Reserve Bank of India, hereby increases the authorised capital of UCO Bank from six thousand crore rupees to ten thousand crore rupees.

[F. No. 11/8/2019-BOA-I]

A. K. GHOSH, Under Secy.

नई दिल्ली, 29 मार्च, 2019

का.आ. 483.—बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 (1970 का 5) की धारा 3 की उप-धारा (2क) के दूसरे परंतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से इलाहाबाद बैंक की प्राधिकृत पूंजी को तीन हजार करोड़ रुपए से बढ़ाकर आठ हजार करोड़ रुपए करती है।

[फा. सं. 11/8/2019-बीओए-1]

ए. के. घोष, अवर सचिव

New Delhi, the 29th March, 2019

S.O. 483.— In exercise of the powers conferred by the second proviso to sub-section (2A) of section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), the Central Government after consultation with the Reserve Bank of India, hereby increases the authorised capital of Allahabad bank from three thousand crore rupees to eight thousand crore rupees.

[F. No. 11/8/2019-BOA-I]

A. K. GHOSH, Under Secy.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 25 मार्च, 2019

का.आ. 484.—केन्द्र सरकार, एतद् द्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए त्रिपुरा राज्य सरकार, गृह विभाग, अगरतला की अधिसूचना सं. एफ. 13(41)-पीडी/18/2909 दिनांक 27 अगस्त 2018 द्वारा प्राप्त त्रिपुरा सरकार की सहमति से निम्नलिखित रूप से वर्णित अपराधों की जाँच के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों एवं क्षेत्राधिकार का समस्त त्रिपुरा राज्य में विस्तार करती है: -

- (अ) हिमाचल प्रदेश स्थित मैसर्स वर्धमान फार्मा द्वारा निर्मित एवं विक्रय की जाने वाली औषधियों एवं त्रिपुरा राज्य एवं अन्य राज्यों आदि के स्वास्थ्य एवं परिवार कल्याण विभागों द्वारा इन औषधियों के क्रय, भंडारण, विहित वितरण एवं परिचालन से संबंधित अन्वेषण हेतु भा.द.सं. की धारा 468/471/420/409 के अंतर्गत पश्चिमी अगरतला थाना में दर्ज मामला सं. 344/2013 दिनांक 04.11.2013 की जाँच।
- (ब) भारतीय दंड संहिता में उल्लिखित एक या एक से अधिक अपराधों में किए गए प्रयासों, दुष्प्रेरणाओं और षड्यंत्रों या उसी संव्यवहार में किए गए या उन्हीं तथ्य या तथ्यों से उत्पन्न किन्हीं अन्य अपराधों के लिए।

[फा. सं. 228/44/2018-एवीडी-II]

एस.पी.आर. त्रिपाठी, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 25th March, 2019

S.O. 484.—In exercise of the powers conferred by sub section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Tripura, Home Department, Agartala issued vide Notification No. F. 13(41)-PD/18/ 2909 dated 27th August, 2018, hereby extends the powers and jurisdiction of all members of the Delhi Special Police Establishment to the State of Tripura for investigation of offences as hereunder : -

- (a) West Agartala PS Case No. 344 of 2013, dated 04.11.2013 u/s 468/471/420/409 of IPC in connection with investigation into the manufacture and sale of drugs and medicine by M/s. Vardhman Pharma located in Himachal Pradesh and its purchase, stocking, prescribing distribution and circulation thereof by the Department of Health & Family Welfare, Government of Tripura and other States etc.
- (b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned in the Indian Penal Code and any other offence or offences committed in the course of the same transaction arising out of the said facts.

[F. No. 228/44/2018- AVD-II]

S.P.R. TRIPATHI, Under Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 26 नवम्बर, 2018

का.आ. 485.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में पूर्व रेलवे के वरिष्ठ मंडल बिजली इंजीनियर(कर्षणचल स्टॉक)/सियालदह मंडल, मुख्य जन संपर्क अधिकारी/पूर्व रेलवे/कोलकाता, तिलभिटा स्टेशन/हावड़ा मंडल, स्टेशन प्रबंधक का कार्यालय, गिरिडीह/आसनसोल मंडल, स्टेशन प्रबंधक का कार्यालय /जामताड़ा/आसनसोल मंडल, स्टेशन प्रबंधक का कार्यालय, चितरंजन/आसनसोल मंडल, स्टेशन प्रबंधक का कार्यालय /विद्यासागर/आसनसोल मंडल, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[सं. हिंदी 2018/रा.भा.1/12/1]

के.पी. सत्यानंदन, निदेशक (राजभाषा)

MINISTRY OF RAILWAYS

(RAILWAY BOARD)

New Delhi, the 26th November, 2018

S.O. 485.—Ministry of Railways (Railway Board) in pursuance of Sub Rule(2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify Senior Divisional Electrical Engineer(Traction Rolling Stock)/Sealdah Division, Chief Public Relation Officer, Eastern Railway, Kolkata, Tilbhita Station/Howrah Division, Station Master's Office, Giridih /Asansol Division Station Master's Office Jamtara/Asansol Division, Station Master's Office ,Chittaranjan, Asansol Division, Station Master's Office/Vidyasagar/Asansol Division of Eastern Railway, where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[No. Hindi 2018/O.L.-1/12/1]

K. P. SATHYANANDAN, Director (OL)

नई दिल्ली, 26 नवम्बर, 2018

का.आ. 486.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम(2) और (4) के अनुसरण में आईआरसीटीसी के पश्चिम क्षेत्र कार्यालय आईआरसीटीसी, दूसरी मंजिल, नया प्रशासनिक भवन, मध्य रेलवे, सीएसटी, मुंबई-400001 एवं उत्तर क्षेत्र कार्यालय, आईआरसीटीसी, रेल यात्री निवास भवन, अजमेरी गेट साइड, नई दिल्ली-110002, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[सं. हिंदी 2018/रा.भा.1/12/1]

के.पी. सत्यानंदन, निदेशक (राजभाषा)

New Delhi, the 26th November, 2018

S.O. 486.—Ministry of Railways (Railway Board) in pursuance of Sub Rule(2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the Western region office, IRCTC, 2nd Floor, New Administration House, Central Railway, CST, Mumbai and Northern Region Office, IRCTC, Rail Yatri Niwas Bhavan, Ajmeri Gate Side, New Delhi Station of Indian Railway Catering and Tourism Corporation Limited, where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[No. Hindi 2018/O.L.-1/12/1]

K.P. SATHYANANDAN, Director (OL)

नई दिल्ली, 26 नवम्बर, 2018

का.आ. 487.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम(2) और (4) के अनुसरण में रेल दावा अधिकरण, दिल्ली बेंच के रेल दावा अधिकरण, जयपुर न्यायपीठ कार्यालय, जयपुर, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[सं. हिंदी 2018/रा.भा.1/12/1]

के.पी. सत्यानंदन, निदेशक (राजभाषा)

New Delhi, the 26th November, 2018

S.O. 487.—Ministry of Railways (Railway Board) in pursuance of Sub Rule(2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify the Railway Claims Tribunal, Jaipur Bench of Railway Claims Tribunal, Delhi Bench, where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[No. Hindi 2018/O.L.-1/12/1]

K. P. SATHYANANDAN, Director (OL)

इस्पात मंत्रालय

नई दिल्ली, 26 मार्च, 2019

का.आ. 488.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निम्नलिखित तालिका के कॉलम (1) में उल्लिखित अधिकारी की, जो भारत सरकार के राजपत्रित अधिकारी के रैंक के अधिकारी हैं, एतद् द्वारा उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी के रूप में नियुक्ति करती है। वह उक्त तालिका के कॉलम (2) में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत उक्त अधिनियम द्वारा या उक्त अधिनियम के अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उसे दिए गए कार्यों का निष्पादन करेगा।

तालिका

अधिकारी का पदनाम	सार्वजनिक परिसरों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
प्रबंधक (कार्मिक), ग्रेड: ई-2 द ओडिशा मिनरल्स डेवलपमेंट कंपनी लिमिटेड (ओएमडीसी) ए.जी.-104, सौरभ अवासन, दूसरी मंजिल, सेक्टर II, साल्ट लेक सिटी कोलकाता-700091	मेसर्स इस्टर्न लिमिटेड के स्वामित्व में और उनके प्रशासनिक नियंत्रण के अधीन सभी कार्यालय, परिसर, भूमि जो निम्नलिखित में से किसी क्षेत्र के अंतर्गत आते हैं:- (i) उलबेरिया, हावड़ा, पश्चिम बंगाल (ii) सेंदरा, बाकुरा, पश्चिम बंगाल (iii) छोरा मंगलपुर, पश्चिमी बर्द्धमान, पश्चिम बंगाल और (iv) ओंदल, बर्द्धमान, पश्चिम बंगाल

[फा. सं. 8(7)/2018-बीजीसी]

अनिल कुमार, उप-सचिव

MINISTRY OF STEEL

New Delhi, the 26th March, 2019

S.O. 488.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of Gazetted Officer of Government of India, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on the Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

Table

Designation of Officer.	Categories of the public premises and local limits of jurisdiction.
(1)	(2)
Manager (Personnel), Grade : E-2	All offices, premises, land owned by and under administrative control of M/s Eastern Investments Limited, falling in any of the

The Orissa Minerals Development Company Limited (OMDC). AG-104, Sourav Abasan, 2 nd Floor, Sector II, Salt Lake City Kolkata -700091.	following area:- (i) Ulberia, Howrah, West Bengal; (ii) Sendra, Bankura, West Bengal; (iii) Chhora Mangalpur, West Bardhaman, West Bengal and (iv) Ondal, Bardhaman, West Bengal.
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[F.No. 8(7)/2018-BGC]

ANIL KUMAR, Dy. Secy.

नई दिल्ली, 26 मार्च, 2019

का.आ. 489.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निम्नलिखित तालिका के कॉलम (1) में उल्लिखित अधिकारी की, जो भारत सरकार के राजपत्रित अधिकारी के रैंक के अधिकारी हैं, एतद् द्वारा उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी के रूप में नियुक्ति करती है। वह उक्त तालिका के कॉलम (2) में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत उक्त अधिनियम द्वारा या उक्त अधिनियम के अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उसे दिए गए कार्यों का निष्पादन करेगा।

तालिका

अधिकारी का पदनाम (1)	सार्वजनिक परिसरों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं (2)
वरिष्ठ प्रबंधक (परियोजना), ग्रेड: ई-3 द बिसरा स्टोन लाइम कंपनी लिमिटेड (बीएसएलसी) ए.जी.-104, सौरभ अबासन, दूसरी मंजिल, सेक्टर II, साल्ट लेक सिटी कोलकाता-700091	मेसर्स बिसरा स्टोन लाइम कंपनी लिमिटेड के स्वामित्व में और उनके द्वारा पट्टे पर धारित सभी कार्यालय, परिसर, फैक्ट्रियाँ, संयंत्र, गेस्ट वर्कशॉप, रेलवे, स्लाइडिंग, प्रयोगशालाएं, विस्फोटक मैग्जींस, वोकेशनल प्रशिक्षण केन्द्र, अस्पताल या औषधालय, रिहायशी क्वार्टर या आवास या भूमि, जो निम्नलिखित में से किसी क्षेत्र के अंतर्गत आते हों:- (i) बिरमित्रापुर और राऊरकेला, सुंदरगढ़ जिला, ओडिशा और (ii) कोलकाता, जिला-कोलकाता, पश्चिम बंगाल

[फा. सं. 8(7)/2018-बीजीसी]

अनिल कुमार, उप-सचिव

New Delhi, the 26th March, 2019

S.O. 489.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of Gazetted Officer of Government of India, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on the Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

Table

Designation of Officer. (1)	Categories of the public premises and local limits of jurisdiction. (2)
Sr. Manager (Project), Grade : E-3 The Bisra Stone Lime Company Limited (BSLC). AG-104, Sourav Abasan, 2 nd Floor, Sector II, Salt Lake City Kolkata -700091.	All offices, premises, factories, plants, guest houses, workshops, railway sidings, laboratories, explosive magazines, vocational training centers, hospital or dispensaries, residential quarters or accommodation, land owned or held on lease by M/s Bisra Stone Lime Company Limited, falling in any of the following areas:- (i) Birmiltrapur and Rourkela, Sundergarh District, Odisha; and (ii) Kolkata, District-Kolkata, West Bengal.

[F.No. 8(7)/2018-BGC]

ANIL KUMAR, Dy. Secy.

नई दिल्ली, 26 मार्च, 2019

का.आ. 490.— सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निम्नलिखित तालिका के कॉलम (1) में उल्लिखित अधिकारी की, जो भारत सरकार के राजपत्रित अधिकारी के रैंक के अधिकारी हैं, एतद् द्वारा उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी के रूप में नियुक्ति करती है। वह उक्त तालिका के कॉलम (2) में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अंतर्गत उक्त अधिनियम द्वारा या उक्त अधिनियम के अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उसे दिए गए कार्यों का निष्पादन करेगा।

तालिका

अधिकारी का पदनाम (1)	सार्वजनिक परिसरों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं (2)
वरिष्ठ प्रबंधक (परियोजना), ग्रेड: ई-2 द ओडिशा मिनरल्स डेवलपमेंट कंपनी लिमिटेड (ओएमडीसी) ए.जी.-104, सौरभ अबासन, दूसरी मंजिल, सेक्टर II, साल्ट लेक सिटी, कोलकाता-700091	मेसर्स ओडिशा मिनरल्स डेवलपमेंट कंपनी लिमिटेड के स्वामित्व में या उनके द्वारा पट्टे पर धारित सभी कार्यालय, परिसर, फैक्ट्रियाँ, संयंत्र, गेस्ट वर्कशॉप, रेलवे, स्लाइडिंग, प्रयोगशालाएं, विस्फोटक मैग्जींस, वोकेशनल प्रशिक्षण केन्द्र, अस्पताल या औषधालय, रिहायशी क्वार्टर या आवास या भूमि, जो निम्नलिखित में से किसी क्षेत्र के अंतर्गत आते हैं:- (i) बारबिल, किओन्झार जिला, ओडिशा; और (ii) साल्ट लेक सिटी (कोलकाता), जिला- नॉर्थ 24, परगना, पश्चिम बंगाल

[फा. सं. 8(7)/2018-बीजीसी]

अनिल कुमार, उप-सचिव

New Delhi, the 26th March, 2019

S.O. 490.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of Gazetted Officer of Government of India, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on the Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

Table

Designation of Officer (1)	Categories of the public premises and local limits of jurisdiction. (2)
Sr. Manager (Project), Grade : E-3 The Orissa Minerals Development Company Limited (OMDC). AG-104, Sourav Abasan, 2 nd Floor, Sector II, Salt Lake City Kolkata -700091.	All offices, premises, factories, plants, guest houses, workshops, railway sidings, laboratories, explosive magazines, vocational training centers, hospital or dispensaries, residential quarters or accommodation, land owned or held on lease by M/s The Orissa Minerals Development Company Limited falling in any of the following areas:- (i) Barbil, Keonjhar District, Odisha; and (ii) Salt Lake City (Kolkata), District-North 24, Parganas, West Bengal.

[F. No. 8(7)/2018-BGC]

ANIL KUMAR, Dy. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 मार्च, 2019

का.आ. 491.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 1142 तारीख 26.07.2018, का.आ. 1143 तारीख 26.07.2018 जिसका प्रकाशन भारत के राजपत्र संख्या 30, भाग II, खण्ड 3, उप खण्ड (II) तारीख 29.07.2018 से 04.08.2018 में किया गया है। इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट आंध्र प्रदेश राज्य के जिला **विजियानगरम** के मंडल : चीपुरुपल्लि, लक्कावरपुकोटा, **श्रीकाकुलम** के मंडल : पलासा, टेक्कलि, नरासन्नापेटा की भूमि में, ओडीशा राज्य में पारादीप से तेलंगाना राज्य में हैदराबाद तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा क्रियान्वित किए जा रहे “पारादीप-हैदराबाद पाइपलाइन परियोजना” के संबंध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी:

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दी गई थीं। और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिष्चय किया है:

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी बिल्लिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

जिला : श्रीकाकुलम			राज्य : आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पलासा	ईदुरापल्लि	35/8	00	00	31
		35/9	00	02	24
		33/22	00	01	19
		35/15B	00	05	21
		33/23	00	01	63
		33/24	00	01	04
		33/27	00	01	01
		35/15D	00	00	07
		35/15E	00	01	32
		33/30	00	01	98
		33/29	00	00	44
		35/22	00	00	21
		35/26	00	01	81
		35/25	00	00	10
		35/27	00	01	47
		35/28	00	00	67
		34	00	17	17
		39/6	00	05	29
		39/5	00	02	92
		39/8	00	00	21

जिला : श्रीकाकुलम			राज्य : आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पलासा	ईदुरापल्लि	39/7	00	01	20
		39/15	00	02	89
		38/4	00	06	22
पलासा	मोदुगुलापुट्टि	39	00	00	28
		40/4	00	41	70
		38/2	00	40	70
		43/3	00	03	60
		12/2	00	12	55
		44	00	14	61
		35	00	09	96
टेक्कलि	परशुरामपुरम	118/6	00	00	96
नरासन्नापेटा	उर्लाम	38/3	00	08	98
		30/3	00	28	53
		207/1	00	05	32
		206/3	00	11	01

अनुसूची

जिला : विजियानगरम			राज्य : आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
चीपुरुपल्लि	पत्तिकायावलासा	166/3	00	03	64
		166/5	00	02	12
		166/1	00	01	15
चीपुरुपल्लि	पालावलसा	68/1	00	06	94
		55/16	00	1	16
		55/17	00	1	47
		54/5	00	0	20
		54/3	00	4	8
		67/16	00	0	14
		53/1	00	3	81
		53/2	00	1	24
		53/3	00	1	78
		69/1	00	1	69
		69/2	00	1	70
		69/3	00	1	42
		69/4	00	1	22
		69/5	00	2	56
		69/6	00	0	17

जिला : विजियानगरम			राज्य : आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
चीपुरुपल्लि	पालावलसा	68/3	00	2	7
		68/4	00	5	1
		55/8	00	1	15
		55/9	00	3	18
लक्कावरपुकोटा	मालापल्लि	232/13	00	04	21
		236/10	00	00	77
		236/13	00	00	37
		236/11	00	04	65
		236/12	00	04	87
		236/19	00	04	88
		235	00	10	49

[सं. आर-11025(11)/252/2017-ओआर-1/ई-21033]

शान्तनु धर, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GASNew Delhi, the 28th March, 2019

S.O. 491.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India No.30 Part-II, Section 3, Sub-section (ii) dated 29.07.2018 to 04.08.2018 vide S.O. No. 1142 dated 26.07.2018 and S.O.No. 1143 dated 26.07.2018 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Mandal : Chipurupalle & Lakkavarapukota of Vizianagaram District and Mandal : Palasa, Tekkali & Narasannapeta of Srikakulam District in Andhra Pradesh State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Paradip in the State of Odisha to Hyderabad in the State of Telangana by the Indian Oil Corporation Limited for implementing the “Paradip–Hyderabad Pipeline Project”.

And whereas the copies of the Gazette were made available to the public. And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

SCHEDULE

DISTRICT : SRIKAKULAM			STATE : ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY No.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
PALASA	IDURAPALLI	35/8	00	00	31
		35/9	00	02	24
		33/22	00	01	19
		35/15B	00	05	21
		33/23	00	01	63
		33/24	00	01	04
		33/27	00	01	01
		35/15D	00	00	07
		35/15E	00	01	32
		33/30	00	01	98
		33/29	00	00	44
		35/22	00	00	21
		35/26	00	01	81
		35/25	00	00	10
		35/27	00	01	47
		35/28	00	00	67
		34	00	17	17
		39/6	00	05	29
		39/5	00	02	92
		39/8	00	00	21
		39/7	00	01	20
		39/15	00	02	89
		38/4	00	06	22
	MODUGULAPUTTI	39	00	00	28
		40/4	00	41	70
		38/2	00	40	70
		43/3	00	03	60
		12/2	00	12	55
		44	00	14	61
		35	00	09	96
TEKKALI	PARSURAMPURAM	118/6	0	0	96
NARSANNAPETA	URLAM	38/3	00	08	98
		30/3	00	28	53
		207/1	00	05	32
		206/3	00	11	01

SCHEDULE

DISTRICT : VIZIANAGARAM			STATE : ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
CHIPURUPALLE	PATTIKAYAVALLASA	166/3	00	03	64
		166/5	00	02	12
		166/1	00	01	15
CHIPURUPALLE	PALAVALASA	68/1	00	06	94
		55/16	00	1	16
		55/17	00	1	47
		54/5	00	0	20

DISTRICT : VIZIANAGARAM			STATE : ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
CHIPURUPALLE	PALAVALASA	54/3	00	4	8
		67/16	00	0	14
		53/1	00	3	81
		53/2	00	1	24
		53/3	00	1	78
		69/1	00	1	69
		69/2	00	1	70
		69/3	00	1	42
		69/4	00	1	22
		69/5	00	2	56
		69/6	00	0	17
		68/3	00	2	7
		68/4	00	5	1
		55/8	00	1	15
		55/9	00	3	18
LAKKAVARAPUKOTA	MARLAPALLI	232/13	00	04	21
		236/10	00	00	77
		236/13	00	00	37
		236/11	00	04	65
		236/12	00	04	87
		236/19	00	04	88
		235	00	10	49

[No. R-11025(11)/252/2017-OR-I/E-21033]

SANTANU DHAR, Under Secy.

नई दिल्ली, 28 मार्च, 2019

का. आ. 492.—केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में महाराष्ट्र राज्य क्षेत्र के पनवेल उप विभाग के भीतर उक्त अधिनियम के अधीन, भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड (बीपीसीएल) के मुंबई से रसायनी पाइपलाइनस परियोजना के लिए, सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए उप विभागीय अधिकारी-पनवेल, महाराष्ट्र सरकार को प्राधिकृत करती है।

यह अधिसूचना जारी होने की तारीख से लागू होगी।

[फा. सं. आर-11031(1)2019-ओआर-I/ई-29183]

शान्तनु धर, अवर सचिव

New Delhi, the 28th March, 2019

S.O. 492.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorizes “Sub Divisional Officer, Panvel” to perform the functions of Competent Authority in Panvel Sub Division of State of Maharashtra for Bharat Petroleum Corporation Limited’s Mumbai to Rasayani Pipelines project under the said Act.

This notification will be effective from the date of its issue.

[F. No. R-11031(1)2019-OR-I/E-29183]

SANTANU DHAR, Under Secy.

नई दिल्ली, 28 मार्च, 2019

का.आ. 493.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 374 तारीख 16.12.2017 जिसका प्रकाशन भारत के राजपत्र संख्या 9 , भाग II, खण्ड 3, उप खण्ड (ii) तारीख फरवरी 25 - मार्च 03, 2018 ओर अधिसूचना संख्या का.आ. 1339 (अ) तारीख 18.04.2017 जिसका प्रकाशन भारत के राजपत्र संख्या 1181, भाग II, खण्ड 3, उप खण्ड (ii) तारीख 27.04.2017 में किया गया है। इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट आंध्रप्रदेश राज्य के ईस्टगोदावरी जिला की भूमि में, ओडीशा राज्य में पारादीप से तेलंगाना राज्य में हैदराबाद तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा क्रियान्वित किए जा रहे “पारादीप-हैदराबाद पाइपलाइन परियोजना”के संबंध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी:

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 26.09.2018 तक उपलब्ध करा दी गई थीं।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी नें केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिष्चय किया है:

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी बिल्लिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतयः उत्तरदायी होगी और पाइपलाइन से संबंधित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद, दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला: ईस्टगोदावरी			राज्य: आन्ध्रप्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
सीतानगरम	नल्लगोंडा	241/3	00	11	70
		239/3	00	12	65
सीतानगरम	रघुदेवापुरम	393/5	00	29	40
		415	00	03	99
सीतानगरम	चिन्ना कोंदेपुडी	483	00	01	58
कोरुकोंडा	कोटी	202/1	00	02	44
		185	00	00	01
		330	00	34	42
		190	00	37	58

जिला: ईस्टगोदावरी			राज्य: आन्ध्रप्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
कोरुकोंडा	कोटी	187	00	32	62
		13	00	19	05
गोकावरम	गुम्मलादोड्डी	390/2	00	32	92
		390/1	00	13	23
		391	00	55	28
		9/3	00	10	36
		9/2	00	05	62
		9/1	00	04	72
		327	00	31	25
		328	00	01	51
गोकावरम	तिरुमलय्यापलेम्	404	00	27	63
		436	00	21	80
		416	00	23	42
		415	00	41	05
		344	00	58	19
		335/2	00	05	85
		259/2	00	15	18
		263	00	19	95
		223	00	22	21
		225/1	00	08	22
		207	00	09	73
जग्गम्पेटा	इरिपाका	223/6	00	02	34
		223/5	00	04	21
		223/4	00	04	32
		223/3	00	05	03
		223/2	00	05	00
		223/1	00	08	52
जग्गम्पेटा	मरिपाका	1/5	00	12	30
		1/4	00	12	03
		1/3	00	01	61
		1/2	00	25	25
		1/1	00	01	52

जिला: ईस्टगोदावरी			राज्य: आन्ध्रप्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
जग्गम्पेटा	राजापुडी	287/8	00	01	87
		102	00	72	45
		101	00	01	63
		160	00	13	20
		308	00	21	66
		318	00	40	34
		320	00	21	01
		312	00	25	48
जग्गम्पेटा	मल्लीसला	192/2B	00	01	12
		192/2A	00	03	74
प्रतिपाडु	धर्मावरम्	628	00	02	28
		616	00	29	40
		531	00	58	16
		722	00	19	66
		698	00	03	97
		686	00	11	85
		568	00	22	79
गोल्लाप्रोलू	चेन्नोलू	340	00	06	29
		365	00	13	80
		668	00	16	75
		512	00	29	59
		513	00	31	14
		539	00	28	40
गोल्लाप्रोलू	चिन्ना जग्गम्पेटा	14	00	66	88
गोल्लाप्रोलू	चेंदुरती	546	00	56	05
तोंडंगी	पैडिपल्ला अग्रहारम	33/1	00	18	16
तोंडंगी	ए. कोत्तापल्ली	102/2	00	09	15
		69/3	00	03	61
		5/4	00	04	70
		365	00	21	43
		114	00	00	71
तोंडंगी	चिन्नयापालेम	205	00	00	09
तोंडंगी	रविकम्पाडु	179	00	43	15
तुनि	चामावरम	171/2	00	05	55
		171/1	00	04	73
तुनि	वल्लूरु	222/1	00	18	87
		221/2	00	25	78
तुनि	हमसावरम	33/2	00	15	93
		76	00	04	31
		79/10	00	02	21

जिला: ईस्टगोदावरी			राज्य: आन्ध्रप्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
तुनि	हमसावरम	79/2	00	09	62
		79/9	00	04	81
		79/1	00	15	14
		79/4	00	17	57
		79/5	00	04	17
		81	00	01	58
		415/1	00	02	26
		415/2	00	02	27
		402	00	05	50
		26	00	65	16
		409	00	05	41
		410	00	06	20
		401	00	07	68
		399	00	06	09
		394	00	07	65
		391	00	09	74
		390	00	07	53
		389	00	05	50
		387	00	04	10
		386	00	04	70
गोल्लाप्रोलू	विजयानगरम्	385	00	02	69
		384	00	03	88
		383	00	04	11
		557	00	10	74
		556	00	31	64
		580	00	16	64
		553	00	44	20
		531	00	29	60
		533	00	15	70
		534	00	15	86
		535	00	58	03
		495	00	85	09
		468	00	69	87

जिला: ईस्टगोदावरी			राज्य: आन्ध्रप्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
गोल्लाप्रोलू	विजयानगरम्	486	00	10	70
		470	00	22	70
		471	00	15	57
		472	00	10	58
		483	00	29	01
		481	00	27	85
		480	00	18	83
		479	00	11	94
		478	00	08	07
		476	00	01	83
		477	00	39	45

[फा. सं. आर-11025(11)/252/2017-ओआर-I/ई-21033]

शान्तनु धर, अवर सचिव

New Delhi, the 28th March, 2019

S.O. 493.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India No. 9 Part-II, Section 3, Sub-section (ii) dated February 25- March 03, 2018 vide S.O. Number 374 dated 16.12.2017 and Gazette of India No. 1181 Part-II, Section 3, Sub-section (ii) dated April 27, 2017 vide S.O. Number 1339(E) dated 18.04.2017 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in District East Godavari of Andhra Pradesh State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Paradip in the State of Odisha to Hyderabad in the State of Telangana by the Indian Oil Corporation Limited for implementing the "Paradip-Hyderabad Pipeline Project".

And whereas the copies of the Gazette was made available to the public till 26.09.2018.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

India Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to pipeline.

SCHEDULE

District :East Godavari				State : Andhra Pradesh				
Name of Mandal	Name of Village	Survey No.	Area					
			Hectare	Are	Square Metre			
(1)	(2)	(3)	(4)	(5)	(6)			
1	Seethanagaram	Nallagonda	241/3	00	11	70		
			239/3	00	12	65		
2	Seethanagaram	Raghudevapuram	393/5	00	29	40		
			415	00	03	99		
3	Seethanagaram	Chinna Kondepudi	483	00	01	58		
4	Korukonda	Koti	202/1	00	02	44		
			185	00	00	01		
			330	00	34	42		
			190	00	37	58		
			187	00	32	62		
			13	00	19	05		
			390/2	00	32	92		
			390/1	00	13	23		
5	Gokavaram		391	00	55	28		
			9/3	00	10	36		
			9/2	00	05	62		
			9/1	00	04	72		
			327	00	31	25		
			328	00	01	51		
		6	Gokavaram	Tirumalayyapalem	404	00	27	63
					436	00	21	80
	416			00	23	42		
	415			00	41	05		
	344			00	58	19		
	335/2			00	05	85		
	259/2			00	15	18		
	263			00	19	95		
7	Jaggampeta		223	00	22	21		
			225/1	00	08	22		
			207	00	09	73		
			223/6	00	02	34		
			223/5	00	04	21		
			223/4	00	04	32		
			223/3	00	05	03		
			223/2	00	05	00		
8	Jaggampeta		223/1	00	08	52		
			1/5	00	12	30		
			1/4	00	12	03		
			1/3	00	01	61		
		1/2	00	25	25			

District :East Godavari				State : Andhra Pradesh					
Name of Mandal		Name of Village	Survey No.	Area					
				Hectare	Are	Square Metre			
(1)	(2)	(3)	(4)	(5)	(6)				
9	Jaggampeta	Rajapudi	1/1	00	01	52			
			287/8	00	01	87			
			102	00	72	45			
			101	00	01	63			
			160	00	13	20			
			308	00	21	66			
			318	00	40	34			
			320	00	21	01			
10	Jaggampeta	Mallisala	312	00	25	48			
			192/2B	00	01	12			
			192/2A	00	03	74			
			11	Prattipadu	Dharmavaram	628	00	02	28
						616	00	29	40
						531	00	58	16
						722	00	19	66
						698	00	03	97
12	Gollaprolu	Chebrolu	686	00	11	85			
			568	00	22	79			
			340	00	06	29			
			365	00	13	80			
			668	00	16	75			
			512	00	29	59			
			513	00	31	14			
			539	00	28	40			
13	Gollaprolu	Chinna Jaggampeta	14	00	66	88			
		Chendurti	546	00	56	05			
14	Thondangi	Paidipalla Agraharam	33/1	00	18	16			
15	Thondangi	A Kottapalli	102/2	00	09	15			
			69/3	00	03	61			
			5/4	00	04	70			
			365	00	21	43			
			114	00	00	71			
16	Thondangi	Chinnayapalem	205	00	00	09			
		Ravikampadu	179	00	43	15			
17	Tuni	Chamavaram	171/2	00	05	55			
			171/1	00	04	73			
18	Tuni	Valluru	222/1	00	18	87			
			221/2	00	25	78			
19	Tuni	Hamsavaram	33/2	00	15	93			
			76	00	04	31			
			79/10	00	02	21			

District :East Godavari		Survey No.	State : Andhra Pradesh		
Name of Mandal	Name of Village		Area		
(1)	(2)	(3)	Hectare	Are	Square Metre
Tuni	Hamsavaram	79/2	00	09	62
		79/9	00	04	81
		79/1	00	15	14
		79/4	00	17	57
		79/5	00	04	17
		81	00	01	58
		415/1	00	02	26
		415/2	00	02	27
		402	00	05	50
		26	00	65	16
		409	00	05	41
		410	00	06	20
		401	00	07	68
		399	00	06	09
		394	00	07	65
		391	00	09	74
		390	00	07	53
		389	00	05	50
		387	00	04	10
		386	00	04	70
		385	00	02	69
		384	00	03	88
		383	00	04	11
20 Gollaprolu	Vijayanagaram	557	00	10	74
		556	00	31	64
		580	00	16	64
		553	00	44	20
		531	00	29	60
		533	00	15	70
		534	00	15	86
		535	00	58	03
		495	00	85	09
		468	00	69	87
		486	00	10	70
		470	00	22	70
		471	00	15	57
		472	00	10	58
		483	00	29	01
		481	00	27	85
		480	00	18	83
		479	00	11	94

District : East Godavari		Survey No.	State : Andhra Pradesh		
Name of Mandal	Name of Village		Area		
(1)	(2)	(3)	Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
Gollaprolu	Vijayanagaram	478	00	08	07
		476	00	01	83
		477	00	39	45

[F. No. R-11025(11)/252/2017/OR-I/E-21033]

SANTANU DHAR, Under Secy.

नई दिल्ली, 28 मार्च, 2019

का. आ. 494.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 2100 तारीख 06.09.2017 एवं का.आ. 2101 तारीख 07.09.2017 जिसका प्रकाशन भारत के राजपत्र संख्या 36, भाग II, खण्ड 3, उप खण्ड (II) तारीख 09.09.2017 में किया गया है। इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट आंध्र प्रदेश राज्य के जिला विशाखापटनम एवं श्रीकाकुलम के मंडल : पेंदुर्ति, सब्बावरम, पलासा, नंदिगाम की भूमि में, ओडीशा राज्य में पारादीप से तेलंगाना राज्य में हैदराबाद तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा क्रियान्वित किए जा रहे “पारादीप-हैदराबाद पाइपलाइन परियोजना” के संबंध में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के लिए अपने आशय की घोषणा की थी:

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दी गई थीं। और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिष्चय किया है:

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए:

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी बिल्लिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पेंदुर्ति	गोरापल्लि	10	00	22	23
		11	00	00	03
		13/2	00	23	11
		13/1	00	37	03
पेंदुर्ति	पिनागाड़ी	7	00	95	85
		3	00	15	67
		4	00	12	15

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पेंदुर्ति	पिनागाड़ी	145	00	89	82
		146	00	28	40
		147	00	38	99
		135/6	00	03	64
		135/7	00	01	14
		135/8	00	03	71
		134/6	00	00	62
		134/7	00	04	52
		134/9	00	01	76
		134/8	00	00	20
		134/11	00	07	31
		134/13	00	02	53
		134/16	00	05	08
		134/17	00	08	33
		131/1	00	05	65
		131/3	00	04	00
		130/22	00	02	34
		130/21	00	05	36
		130/17	00	00	60
		130/19	00	04	86
		130/13	00	00	57
		130/16	00	01	37
		130/12	00	00	97
		130/14	00	04	17
		127	00	04	50
		151/6	00	01	32
		151/13	00	04	01
		151/11	00	04	50
		151/10	00	05	50
		151/9	00	00	14
		152/9	00	01	70
		152/3	00	06	86
		152/1	00	00	10
		152/6	00	03	16
		152/8	00	00	79
		152/7	00	05	26
		153/1	00	07	71

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पेंदुर्ति	पिनागाड़ी	150/2	00	10	10
		153/3	00	22	34
		153/4	00	04	12
		160	00	02	53
		159/3	00	03	87
		159/2	00	18	95
		191	00	10	53
		190/1	00	20	07
		190/3	00	00	17
		190/2	00	02	26
		189/5	00	02	80
		189/1	00	14	40
		189/2	00	04	92
		188/1	00	25	57
		188/11	00	13	25
		173/1	00	05	96
		162/6	00	09	92
		162/7	00	07	38
		163/1	00	08	94
		164	00	22	58
सब्बावरम	मोगलीपुरम	73/3	00	00	10
		73/5	00	05	47
		73/6	00	08	16
		129/1	00	00	99
		73/7	00	00	94
		129/2	00	01	22
		129/3	00	04	51
		129/4	00	00	63
		129/5	00	01	71
		129/6	00	01	13
		129/8	00	01	59
		129/7	00	01	47
		129/10	00	01	24
		129/11	00	01	95
		129/13	00	01	23
		129/14	00	00	84
		129/15	00	00	10

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	मोगलीपुरम	129/17	00	03	47
		129/18	00	04	89
		129/19	00	00	10
		129/20	00	00	17
		129/21	00	03	94
		129/22	00	03	40
		129/25	00	03	24
		129/26	00	07	85
		130/3	00	16	22
		130/2A	00	02	18
		130/2B	00	00	31
		130/2C	00	00	05
		130/11	00	04	49
		130/12	00	03	37
		130/14	00	07	29
		130/16	00	00	10
		133/3	00	00	10
		133/4	00	01	69
		133/6	00	01	99
		133/5	00	01	08
		133/25B	00	02	06
		133/25C	00	02	02
		133/24B	00	01	41
		133/24C	00	02	24
		133/33	00	00	10
		133/36	00	00	39
		133/23D	00	04	44
		133/37	00	01	55
		133/38	00	01	29
		185/11	00	01	32
		185/12	00	02	37
		185/13	00	00	35
		185/10	00	01	86
		185/17	00	03	33
		185/9	00	00	79
		185/18A	00	02	62
		185/18B	00	00	43

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	मोगलीपुरम	186	00	17	54
		187	00	10	51
		188	00	09	20
		189	00	18	68
सब्बावरम	अमृतापुरम	13	00	27	95
		14	00	03	93
		17/1	00	06	52
		17/7	00	05	44
		17/5	00	06	77
		17/4	00	03	48
		17/6	00	00	44
		17/16	00	06	25
		18/12	00	08	41
		18/8	00	00	10
		19	00	01	85
		40/4	00	06	54
		40/6	00	01	95
		40/5	00	01	75
		43/1	00	04	51
		43/2	00	08	12
		43/7	00	03	24
		43/6	00	02	75
		43/5	00	03	23
		43/24	00	08	84
सब्बावरम	अमृतापुरम	43/23	00	00	95
		43/22	00	01	32
		43/21	00	05	95
		43/45	00	02	38
		43/46	00	12	08
		419/1	00	09	39
		419/2	00	09	10
		42	00	07	52
		49/22	00	11	70
		49/21	00	03	61
		49/20	00	01	06
		46/11	00	03	24
		46/12	00	02	50

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	अमृतापुरम	46/7	00	02	66
		46/14	00	02	86
		46/9	00	00	29
		46/5	00	00	10
		46/4	00	06	28
		45/3	00	09	16
		133/3	00	02	70
		133/4	00	01	14
		133/6	00	00	87
		133/2	00	01	97
		132/3	00	03	13
		132/2	00	04	67
		131/2	00	03	84
		131/4	00	05	25
		131/8	00	04	30
		141/5	00	08	23
		141/4	00	04	30
		141/2	00	03	94
		141/10	00	04	33
		141/16	00	01	80
		423/4	00	33	74
		153/21	00	02	44
		153/20	00	01	18
		153/19	00	01	17
		153/15	00	02	43
		153/13	00	01	98
		153/12	00	01	83
		153/10	00	02	00
		153/9	00	02	86
		153/8	00	02	91
		153/37	00	01	80
		153/39	00	02	16
		153/43	00	01	89
		424/12	00	04	99
		424/11	00	07	61
		424/25	00	03	23
		424/22	00	00	33

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	अमृतापुरम	424/24	00	04	50
		424/26	00	06	28
		149/1	00	08	01
		149/3	00	07	59
		147/22	00	00	10
		169/3	00	07	26
		169/4	00	03	63
		169/5	00	00	10
		169/7	00	02	90
		169/6	00	01	63
		169/12	00	03	58
		169/13	00	01	76
		169/14	00	02	13
		169/15	00	01	04
		169/16	00	04	17
		169/17	00	03	85
		169/18	00	05	35
		173/3	00	00	10
		173/4	00	00	13
		173/5	00	00	52
		173/6	00	00	61
		173/7	00	00	58
		170	00	08	21
		191/32	00	00	10
		173/8	00	05	43
		173/9	00	05	67
		173/17	00	03	40
		173/10	00	11	06
		173/19	00	03	57
		173/15	00	00	58
		173/16	00	04	31
		175/10	00	01	87
		175/11	00	01	49
		175/12	00	01	48
		175/13	00	01	64
		175/14	00	01	35
		175/15	00	01	80

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	अमृतापुरम	174/1	00	03	95
		180/3	00	15	28
		180/2	00	00	92
सब्बावरम	चिंतागटला अग्राहारम	23/1	00	08	63
		23/2	00	04	18
		23/3	00	03	60
		23/4	00	03	60
		22/2	00	03	71
		22/1	00	00	21
		22/3	00	01	10
		22/4	00	00	44
		22/5	00	03	90
		22/6	00	05	60
		24/9	00	00	33
		25/1	00	00	10
		25/6	00	04	74
		25/7	00	04	14
		25/13	00	03	20
		25/12	00	02	70
		25/17	00	00	10
		25/18	00	04	68
		26	00	00	10
		25/19	00	00	33
		33/5	00	00	48
		33/6	00	01	93
		33/7	00	01	24
		33/8	00	00	32
		33/9	00	00	11
		29/1	00	04	65
		29/4	00	02	16
		29/3	00	00	64
		29/11	00	00	34
		29/10	00	03	70
		29/5	00	00	21
		29/9	00	05	64
		29/8	00	01	64
		31/1	00	03	44

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	चिंतागटला अग्राहारम	31/8	00	01	76
		31/9	00	00	30
		31/7	00	02	01
		31/10	00	02	95
		31/13	00	02	98
		31/15	00	01	73
		31/20	00	03	13
		31/21	00	02	56
		39/1	00	07	75
		39/2	00	09	86
		41/4	00	00	10
		41/7	00	08	38
		41/8	00	05	72
		41/9	00	00	20
		41/10	00	08	05
		41/11	00	06	52
		41/13	00	06	65
पेंदुर्ति	चिंतागटला	68	00	01	20
		67/1	00	04	69
		67/11	00	04	05
		67/10	00	05	68
		67/9	00	04	43
		67/18	00	05	59
		67/17	00	01	59
		67/16	00	03	22
		67/14	00	00	10
		67/15	00	05	46

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पेंदुर्ति	चिंतागटला	67/20	00	07	64
		65/2	00	00	10
		66	00	12	10
		61/11	00	05	73
		61/2	00	00	10
		61/10	00	09	03
		61/16	00	00	17
		61/9	00	03	30
		61/17	00	00	71
		61/18	00	04	23
		61/7	00	00	10
		61/8	00	02	88
		60/4	00	04	29
		60/5	00	02	48
		60/9	00	04	18
		60/11	00	01	37
		60/8	00	02	15
		60/10	00	00	22
		60/23	00	05	24
		62	00	05	11
पेंदुर्ति	जेर्रीपोतुलापालेम	10/1	00	03	16
		10/15	00	03	96
		10/16	00	05	48
		10/17	00	04	44
		10/18	00	15	08
		11/1	00	00	37
		13/1	00	03	48

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पेंदुर्ति	जेरीपोतुलापालेम	13/2	00	04	08
		13/3	00	03	18
		13/4	00	03	88
		13/5	00	03	93
		13/6	00	14	23
		14/17	00	02	19
		12	00	05	78
		17/1a	00	09	96
		17/1b	00	03	13
		17/1c	00	02	40
		17/1f	00	03	15
		17/1g	00	06	72
		17/1h	00	06	54
		17/1k	00	00	91
		17/2	00	01	41
		19/2	00	15	76
		19/4	00	05	29
		19/6	00	00	33
		19/7	00	07	38
		19/8	00	04	17
		18/1	00	02	10
		18/9	00	05	42
		73/1	00	03	74
		73/2	00	00	46
		73/3	00	02	55
		73/4	00	04	16
		73/5	00	06	93

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पेंदुर्ति	जेर्रीपोतुलापालेम	73/6	00	00	10
		73/7	00	10	87
		72	00	01	59
		71/3	00	00	10
		71/4	00	02	89
		71/5	00	04	54
		71/6	00	03	58
		71/7	00	04	07
		71/8	00	02	81
		71/9	00	04	88
		71/10	00	00	11
		71/12	00	02	85
		68/1	00	19	18
		76	01	44	45
		77	00	25	56
		67/7	00	01	44
		67/8	00	09	90
		67/10	00	07	20
पेंदुर्ति	पेदागाड़ी	420	00	01	95
		419	00	84	96
पेंदुर्ति	चिंतागोटला	67/15	00	02	35
		67/14	00	06	37
		67/13	00	08	41
		67/12	00	00	77
		68	00	51	56
		69	00	24	40
सब्बावरम	अमृतापुरम	383	00	40	72

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	अमृतापुरम	386	00	02	10
		35	00	05	61
		392/4	00	07	68
		387	00	00	10
		389	00	00	10
		391	00	36	49
		393	00	00	20
		399/13	00	01	14
		399/14	00	03	46
		394/2	00	18	29
		394/1	00	21	78
		395/8	00	00	89
		395/7	00	03	37
		395/6	00	04	12
		395/5	00	00	33
		395/4	00	01	30
		350/47	00	01	09
		350/46	00	03	89
		350/48	00	03	09
		350/49	00	03	82
		350/50	00	00	23
		350/39	00	01	74
		350/40	00	00	91
		350/41	00	00	46
		350/42	00	00	10
		350/38	00	01	47
		350/37	00	04	47

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	अमृतापुरम	350/35	00	02	96
		350/36	00	01	26
		350/29	00	19	17
		433/120	00	00	79
		433/119	00	10	66
		433/118	00	06	99
		433/117	00	00	10
		433/111	00	05	94
		433/66	00	10	35
		433/65	00	00	10
		433/51	00	10	84
		433/50	00	00	12
		433/52	00	06	27
		433/53	00	03	14
		433/54	00	01	66
		433/55	00	09	60
		351/2	00	00	66
		351/1A	00	24	91
		343	00	18	97
		340/4	00	00	32
		340/5	00	02	30
		299/21	00	00	10
		299/22	00	01	94
		299/23	00	00	44
		299/24	00	03	00
		299/28	00	04	23
		299/29	00	06	06

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	अमृतापुरम	299/27	00	04	38
		299/14	00	04	20
		299/9	00	00	74
		299/8	00	03	32
		299/5	00	00	64
		299/4	00	03	40
		301/4	00	00	96
		301/1	00	01	91
		294	00	25	21
		283	00	35	63
		285/3	00	20	74
		285/6	00	03	75
		428/36	00	01	38
		428/35	00	02	89
		428/34	00	01	94
		428/13	00	04	18
		428/33	00	02	52
		428/15	00	00	81
		428/14	00	04	84
		428/16	00	01	43
		428/17	00	01	72
		428/8	00	05	45
		428/4	00	04	65
		428/5	00	07	08
		291/14	00	07	38
		291/10	00	02	92
		291/9	00	02	93

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	अमृतापुरम	291/7	00	02	53
		291/2	00	00	81
		291/1	00	06	94
		290	00	06	27
सब्बावरम	इरुवाडा	2	00	04	77
		3/1	00	00	44
		4/6	00	01	74
		4/5	00	04	44
		4/8	00	04	41
		4/9	00	09	49
		4/10	00	04	25
		4/11	00	05	29
		5/3	00	01	40
		5/1	00	10	12
		5/2	00	01	05
		6	00	02	60
		7/3	00	09	78
		8/7	00	08	09
		10/31	00	02	48
		10/17	00	01	24
		10/16	00	01	98
		10/15	00	02	32
		10/18	00	00	77
		10/14	00	00	17
		10/11	00	08	97
		9/8	00	03	15
		9/7	00	02	46

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	इरुवाड़ा	9/1	00	04	90
		14	00	11	40
		15/4	00	05	85
		15/5	00	01	87
		18/17	00	01	63
		18/18	00	00	10
		18/4	00	01	03
		18/5	00	00	10
		18/1	00	00	44
		18/2	00	01	15
		137/9	00	00	40
		137/8	00	14	56
		137/6	00	01	87
		135/33	00	00	19
		135/32	00	01	54
		135/31	00	03	95
		135/30	00	06	92
		135/29	00	01	90
		134	00	14	82
		135/21	00	00	57
		135/20	00	01	06
		135/19	00	01	32
		135/12	00	07	10
		135/13	00	01	89
		135/10	00	06	83
		135/1	00	00	56
		135/9	00	00	41

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	इरुवाड़ा	148	00	09	95
		151/12	00	00	46
		151/11	00	02	83
		151/9	00	00	28
		151/7	00	06	12
		151/6	00	00	10
		150	00	00	68
		149	00	04	34
		146/4	00	04	34
		146/3	00	07	35
		146/1	00	02	86
		144/24	00	00	37
		144/23	00	04	69
		144/19	00	00	12
		144/20	00	05	25
		144/1/B	00	04	75
		144/17	00	03	75
		144/16	00	00	12
		174/2	00	23	76
सब्बावरम	असकापल्लि	92/1	00	75	74
		90	00	06	22
		87	00	45	67
		84/38	00	06	92
		84/13	00	01	02
		84/14	00	11	51
		84/27	00	00	02
		84/26	00	00	70

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	असकापल्लि	84/25	00	02	65
		84/17	00	03	07
		84/18	00	02	52
		84/19	00	02	29
		84/20	00	03	74
		84/21	00	00	10
		81/13	00	04	57
		81/17	00	03	33
		81/16	00	04	21
		81/20	00	01	57
		81/19	00	00	02
		81/21	00	01	22
		81/22	00	00	05
		81/29	00	01	73
		81/51	00	00	40
		81/30	00	03	26
		81/31	00	00	18
		81/32	00	03	16
		81/34	00	01	56
		81/35	00	01	26
		81/36	00	01	20
		81/37	00	01	31
		62/2/C	00	00	24
		62/3	00	03	44
		62/4	00	00	88
		62/6	00	13	19
		62/7	00	01	02

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
सब्बावरम	असकापल्लि	62/9	00	00	62
		62/10	00	01	74
		64	00	25	64
		66	00	21	13
		57/22	00	00	02
		57/23	00	15	30
		67/1A	00	03	62
सब्बावरम	गालिभीमावरम	106/8	00	00	47
		106/9	00	07	09
		106/11	00	24	48
		106/10	00	04	93
		104/3	00	23	48
		109/2	00	05	54
		109/1	00	00	37
		109/3	00	01	14
		103/4	00	03	08
		103/6	00	00	14
		103/5	00	01	18
		103/7	00	09	17
		103/8	00	00	17
		103/10	00	02	62
		103/3	00	00	41
पलासा	कम्बरीगाम	103/9	00	00	10
		103/13	00	11	93
		103/14	00	00	15
		10/5	00	07	93
		10/6	00	01	13

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
पलासा	कम्बरीगाम	10/3	00	00	10
		10/4	00	12	66
		11/2	00	05	64
		11/1	00	06	32
		13/4	00	05	83
		13/3	00	07	46
		14/2	00	04	04
		14/1	00	08	07
		14/5	00	07	21
		14/4	00	05	43
		17/5	00	00	41
		17/1	00	10	41
		17/3	00	06	48
		18/11	00	03	07
		17/7	00	00	10
		18/5	00	03	33
		18/6	00	03	88
		18/7	00	07	47
		18/5	00	09	18
		20	00	05	93
नंदिगाम	आकुलारघुनाधापुरम	158/1	00	02	48
		158/16	00	02	83
		158/17	00	00	10
		158/3	00	04	49
		158/15	00	02	94
		158/4	00	01	41
		158/14	00	01	44

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
नंदिगाम	आकुलारघुनाधापुरम	158/13	00	01	21
		158/12	00	00	36
		158/9	00	03	43
		158/8	00	01	25
		158/7	00	01	19
		158/6	00	00	87
		158/10	00	02	60
		165	00	05	90
		170/13	00	03	47
		172/1	00	03	10
		170/14	00	01	38
		170/15	00	01	24
		170/16	00	01	25
		170/12	00	02	94
		170/11	00	01	70
		170/10	00	01	79
		170/17	00	00	40
		171/5	00	00	77
		171/1	00	07	94
		170/19	00	03	07
		170/22	00	05	83
		171/2	00	06	16
		169/1	00	10	74
		169/7	00	05	65
		169/8	00	06	34
		169/14	00	03	68
		169/15	00	01	74

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
नंदिगाम	आकुलारघुनाधुरम	215	00	04	55
		214/1	00	04	44
		214/2	00	07	92
		214/4	00	02	17
		214/5	00	02	36
		214/6	00	00	88
		214/7	00	03	30
		214/8	00	02	81
		214/9	00	01	34
		214/31	00	06	23
		214/30	00	02	25
		214/32	00	01	72
		214/33	00	03	21
		212/8	00	00	40
		214/35	00	02	66
		211/1	00	01	33
		211/2	00	02	43
		211/8	00	05	07
		211/4	00	03	74
		211/5	00	02	49
		210/15	00	03	70
		210/14	00	03	79
		210/13	00	01	91
		210/12	00	00	74
		210/10	00	01	05
		210/11	00	02	26
		210/9	00	07	25

जिला: विशाखापटनम			राज्य: आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
(1)	(2)	(3)	(4)	(5)	(6)
नंदिगाम	आकुलारघुनाध्यापुरम	219/4	00	05	67
		219/15	00	01	65
		219/18	00	03	60
		219/17	00	00	10
		219/19	00	00	29
		219/20	00	00	42
		219/23	00	01	36
		219/22	00	03	21
		219/21	00	00	54
		220/3	00	02	19
		220/6	00	03	94
		220/12	00	00	34
		220/1	00	06	80

[सं. आर-11025(11)/252/2017-ओआर-1/ई-21033]

शान्तनु धर, अवर सचिव

New Delhi, the 28th March, 2019

S.O. 494.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India No.36 Part-II, Section 3, Sub-section (ii) dated 09.09.2017 vide S.O. Number 2100 dated 06.09.2017 and 2101 dated 07.09.2017 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the land situated in Mandals: Pendurthi and Sabbavaram of Visakhapatnam District and Palasa and Nandigam of Srikakulam District in Andhra Pradesh State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Paradip in the State of Odisha to Hyderabad in the State of Telangana by the Indian Oil Corporation Limited for implementing the "Paradip-Hyderabad Pipeline Project".

And whereas the copies of the Gazette were made available to the public. And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, has submitted his report of Central Government.

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in India Oil Corporation Limited, free from all encumbrances.

SCHEDULE

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
PENDURTHI	GORAPALLI	10	00	22	23
		11	00	00	03
		13/2	00	23	11
		13/1	00	37	03
PENDURTHI	PINAGADI	7	00	95	85
		3	00	15	67
		4	00	12	15
		145	00	89	82
		146	00	28	40
		147	00	38	99
		135/6	00	03	64
		135/7	00	01	14
		135/8	00	03	71
		134/6	00	00	62
		134/7	00	04	52
		134/9	00	01	76
		134/8	00	00	20
		134/11	00	07	31
		134/13	00	02	53
		134/16	00	05	08
		134/17	00	08	33
		131/1	00	05	65
		131/3	00	04	00
		130/22	00	02	34
		130/21	00	05	36
		130/17	00	00	60
		130/19	00	04	86
		130/13	00	00	57
		130/16	00	01	37
		130/12	00	00	97
		130/14	00	04	17
		127	00	04	50
		151/6	00	01	32
		151/13	00	04	01
		151/11	00	04	50
		151/10	00	05	50
		151/9	00	00	14
		152/9	00	01	70
		152/3	00	06	86
		152/1	00	00	10
		152/6	00	03	16
		152/8	00	00	79
		152/7	00	05	26
		153/1	00	07	71

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
PENDURTHI	PINAGADI	150/2	00	10	10
		153/3	00	22	34
		153/4	00	04	12
		160	00	02	53
		159/3	00	03	87
		159/2	00	18	95
		191	00	10	53
		190/1	00	20	07
		190/3	00	00	17
		190/2	00	02	26
		189/5	00	02	80
		189/1	00	14	40
		189/2	00	04	92
		188/1	00	25	57
		188/11	00	13	25
		173/1	00	05	96
		162/6	00	09	92
		162/7	00	07	38
		163/1	00	08	94
		164	00	22	58
SABBAVARAM	MOGALIPURAM	73/3	00	00	10
		73/5	00	05	47
		73/6	00	08	16
		129/1	00	00	99
		73/7	00	00	94
		129/2	00	01	22
		129/3	00	04	51
		129/4	00	00	63
		129/5	00	01	71
		129/6	00	01	13
		129/8	00	01	59
		129/7	00	01	47
		129/10	00	01	24
		129/11	00	01	95
		129/13	00	01	23
		129/14	00	00	84
		129/15	00	00	10
		129/17	00	03	47
		129/18	00	04	89
		129/19	00	00	10
		129/20	00	00	17
		129/21	00	03	94
		129/22	00	03	40
		129/25	00	03	24
		129/26	00	07	85
		130/3	00	16	22
		130/2A	00	02	18
		130/2B	00	00	31
		130/2C	00	00	05

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	MOGALIPURAM	130/11	00	04	49
		130/12	00	03	37
		130/14	00	07	29
		130/16	00	00	10
		133/3	00	00	10
		133/4	00	01	69
		133/6	00	01	99
		133/5	00	01	08
		133/25B	00	02	06
		133/25C	00	02	02
		133/24B	00	01	41
		133/24C	00	02	24
		133/33	00	00	10
		133/36	00	00	39
		133/23D	00	04	44
		133/37	00	01	55
		133/38	00	01	29
		185/11	00	01	32
		185/12	00	02	37
		185/13	00	00	35
		185/10	00	01	86
		185/17	00	03	33
		185/9	00	00	79
		185/18A	00	02	62
		185/18B	00	00	43
		186	00	17	54
		187	00	10	51
		188	00	09	20
		189	00	18	68
SABBAVARAM	AMRUTHAPURAM	13	00	27	95
		14	00	03	93
		17/1	00	06	52
		17/7	00	05	44
		17/5	00	06	77
		17/4	00	03	48
		17/6	00	00	44
		17/16	00	06	25
		18/12	00	08	41
		18/8	00	00	10
		19	00	01	85
		40/4	00	06	54
		40/6	00	01	95
		40/5	00	01	75
		43/1	00	04	51
		43/2	00	08	12
		43/7	00	03	24
		43/6	00	02	75
		43/5	00	03	23
		43/24	00	08	84

DISTRICT: VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	AMRUTHAPURAM	43/23	00	00	95
		43/22	00	01	32
		43/21	00	05	95
		43/45	00	02	38
		43/46	00	12	08
		419/1	00	09	39
		419/2	00	09	10
		42	00	07	52
		49/22	00	11	70
		49/21	00	03	61
		49/20	00	01	06
		46/11	00	03	24
		46/12	00	02	50
		46/7	00	02	66
		46/14	00	02	86
		46/9	00	00	29
		46/5	00	00	10
		46/4	00	06	28
		45/3	00	09	16
		133/3	00	02	70
		133/4	00	01	14
		133/6	00	00	87
		133/2	00	01	97
		132/3	00	03	13
		132/2	00	04	67
		131/2	00	03	84
		131/4	00	05	25
		131/8	00	04	30
		141/5	00	08	23
		141/4	00	04	30
		141/2	00	03	94
		141/10	00	04	33
		141/16	00	01	80
		423/4	00	33	74
		153/21	00	02	44
		153/20	00	01	18
		153/19	00	01	17
		153/15	00	02	43
		153/13	00	01	98
		153/12	00	01	83
		153/10	00	02	00
		153/9	00	02	86
		153/8	00	02	91
		153/37	00	01	80
		153/39	00	02	16
		153/43	00	01	89
		424/12	00	04	99
		424/11	00	07	61
		424/25	00	03	23

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	AMRUTHAPURAM	424/22	00	00	33
		424/24	00	04	50
		424/26	00	06	28
		149/1	00	08	01
		149/3	00	07	59
		147/22	00	00	10
		169/3	00	07	26
		169/4	00	03	63
		169/5	00	00	10
		169/7	00	02	90
		169/6	00	01	63
		169/12	00	03	58
		169/13	00	01	76
		169/14	00	02	13
		169/15	00	01	04
		169/16	00	04	17
		169/17	00	03	85
		169/18	00	05	35
		173/3	00	00	10
		173/4	00	00	13
		173/5	00	00	52
		173/6	00	00	61
		173/7	00	00	58
		170	00	08	21
		191/32	00	00	10
		173/8	00	05	43
		173/9	00	05	67
		173/17	00	03	40
		173/10	00	11	06
		173/19	00	03	57
		173/15	00	00	58
		173/16	00	04	31
		175/10	00	01	87
		175/11	00	01	49
		175/12	00	01	48
		175/13	00	01	64
		175/14	00	01	35
		175/15	00	01	80
		174/1	00	03	95
		180/3	00	15	28
		180/2	00	00	92
SABBAVARAM	CHINTAGATLA (AGRAHARAM)	23/1	00	08	63
		23/2	00	04	18
		23/3	00	03	60
		23/4	00	03	60
		22/2	00	03	71
		22/1	00	00	21
		22/3	00	01	10

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	CHINTAGATLA (AGRAHARAM)	22/4	00	00	44
		22/5	00	03	90
		22/6	00	05	60
		24/9	00	00	33
		25/1	00	00	10
		25/6	00	04	74
		25/7	00	04	14
		25/13	00	03	20
		25/12	00	02	70
		25/17	00	00	10
		25/18	00	04	68
		26	00	00	10
		25/19	00	00	33
		33/5	00	00	48
		33/6	00	01	93
		33/7	00	01	24
		33/8	00	00	32
		33/9	00	00	11
		29/1	00	04	65
		29/4	00	02	16
		29/3	00	00	64
		29/11	00	00	34
		29/10	00	03	70
		29/5	00	00	21
		29/9	00	05	64
		29/8	00	01	64
		31/1	00	03	44
		31/8	00	01	76
		31/9	00	00	30
		31/7	00	02	01
		31/10	00	02	95
		31/13	00	02	98
		31/15	00	01	73
		31/20	00	03	13
		31/21	00	02	56
		39/1	00	07	75
		39/2	00	09	86
		41/4	00	00	10
		41/7	00	08	38
		41/8	00	05	72
		41/9	00	00	20
		41/10	00	08	05
		41/11	00	06	52
		41/13	00	06	65
PENDURTHI	CHINTAGATLA	68	00	01	20
		67/1	00	04	69
		67/11	00	04	05
		67/10	00	05	68

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
PENDURTHI	CHINTAGATLA	67/9	00	04	43
		67/18	00	05	59
		67/17	00	01	59
		67/16	00	03	22
		67/14	00	00	10
		67/15	00	05	46
		67/20	00	07	64
		65/2	00	00	10
		66	00	12	10
		61/11	00	05	73
		61/2	00	00	10
		61/10	00	09	03
		61/16	00	00	17
		61/9	00	03	30
		61/17	00	00	71
		61/18	00	04	23
		61/7	00	00	10
		61/8	00	02	88
		60/4	00	04	29
		60/5	00	02	48
		60/9	00	04	18
		60/11	00	01	37
		60/8	00	02	15
		60/10	00	00	22
		60/23	00	05	24
		62	00	05	11
PENDURTHI	JERRIPOTULAPALEM	10/1	00	03	16
		10/15	00	03	96
		10/16	00	05	48
		10/17	00	04	44
		10/18	00	15	08
		11/1	00	00	37
		13/1	00	03	48
		13/2	00	04	08
		13/3	00	03	18
		13/4	00	03	88
		13/5	00	03	93
		13/6	00	14	23
		14/17	00	02	19
		12	00	05	78
		17/1a	00	09	96
		17/1b	00	03	13
		17/1c	00	02	40
		17/1f	00	03	15
		17/1g	00	06	72
		17/1h	00	06	54
		17/1k	00	00	91
		17/2	00	01	41
		19/2	00	15	76

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
PENDURTHI	JERRIPOTULAPALEM	19/4	00	05	29
		19/6	00	00	33
		19/7	00	07	38
		19/8	00	04	17
		18/1	00	02	10
		18/9	00	05	42
		73/1	00	03	74
		73/2	00	00	46
		73/3	00	02	55
		73/4	00	04	16
		73/5	00	06	93
		73/6	00	00	10
		73/7	00	10	87
		72	00	01	59
		71/3	00	00	10
		71/4	00	02	89
		71/5	00	04	54
		71/6	00	03	58
		71/7	00	04	07
		71/8	00	02	81
		71/9	00	04	88
		71/10	00	00	11
		71/12	00	02	85
		68/1	00	19	18
		76	01	44	45
		77	00	25	56
		67/7	00	01	44
		67/8	00	09	90
		67/10	00	07	20
	PEDAGADI	420	00	01	95
		419	00	84	96
PENDURTHI	CHINTAGATLA	67/15	00	02	35
		67/14	00	06	37
		67/13	00	08	41
		67/12	00	00	77
		68	00	51	56
		69	00	24	40
SABBAVARAM	AMRUTHAPURAM	383	00	40	72
		386	00	02	10
		35	00	05	61
		392/4	00	07	68
		387	00	00	10
		389	00	00	10
		391	00	36	49
		393	00	00	20
		399/13	00	01	14
		399/14	00	03	46
		394/2	00	18	29
		394/1	00	21	78

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	AMRUTHAPURAM	395/8	00	00	89
		395/7	00	03	37
		395/6	00	04	12
		395/5	00	00	33
		395/4	00	01	30
		350/47	00	01	09
		350/46	00	03	89
		350/48	00	03	09
		350/49	00	03	82
		350/50	00	00	23
		350/39	00	01	74
		350/40	00	00	91
		350/41	00	00	46
		350/42	00	00	10
		350/38	00	01	47
		350/37	00	04	47
		350/35	00	02	96
		350/36	00	01	26
		350/29	00	19	17
		433/120	00	00	79
		433/119	00	10	66
		433/118	00	06	99
		433/117	00	00	10
		433/111	00	05	94
		433/66	00	10	35
		433/65	00	00	10
		433/51	00	10	84
		433/50	00	00	12
		433/52	00	06	27
		433/53	00	03	14
		433/54	00	01	66
		433/55	00	09	60
		351/2	00	00	66
		351/1A	00	24	91
		343	00	18	97
		340/4	00	00	32
		340/5	00	02	30
		299/21	00	00	10
		299/22	00	01	94
		299/23	00	00	44
		299/24	00	03	00
		299/28	00	04	23
		299/29	00	06	06
		299/27	00	04	38
		299/14	00	04	20
		299/9	00	00	74
		299/8	00	03	32
		299/5	00	00	64
		299/4	00	03	40

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	AMRUTHAPURAM	301/4	00	00	96
		301/1	00	01	91
		294	00	25	21
		283	00	35	63
		285/3	00	20	74
		285/6	00	03	75
		428/36	00	01	38
		428/35	00	02	89
		428/34	00	01	94
		428/13	00	04	18
		428/33	00	02	52
		428/15	00	00	81
		428/14	00	04	84
		428/16	00	01	43
		428/17	00	01	72
		428/8	00	05	45
		428/4	00	04	65
		428/5	00	07	08
		291/14	00	07	38
		291/10	00	02	92
		291/9	00	02	93
		291/7	00	02	53
		291/2	00	00	81
		291/1	00	06	94
		290	00	06	27
SABBAVARAM	IRUVADA	2	00	04	77
		3/1	00	00	44
		4/6	00	01	74
		4/5	00	04	44
		4/8	00	04	41
		4/9	00	09	49
		4/10	00	04	25
		4/11	00	05	29
		5/3	00	01	40
		5/1	00	10	12
		5/2	00	01	05
		6	00	02	60
		7/3	00	09	78
		8/7	00	08	09
		10/31	00	02	48
		10/17	00	01	24
		10/16	00	01	98
		10/15	00	02	32
		10/18	00	00	77
		10/14	00	00	17
		10/11	00	08	97
		9/8	00	03	15
		9/7	00	02	46
		9/1	00	04	90

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	IRUVADA	14	00	11	40
		15/4	00	05	85
		15/5	00	01	87
		18/17	00	01	63
		18/18	00	00	10
		18/4	00	01	03
		18/5	00	00	10
		18/1	00	00	44
		18/2	00	01	15
		137/9	00	00	40
		137/8	00	14	56
		137/6	00	01	87
		135/33	00	00	19
		135/32	00	01	54
		135/31	00	03	95
		135/30	00	06	92
		135/29	00	01	90
		134	00	14	82
		135/21	00	00	57
		135/20	00	01	06
		135/19	00	01	32
		135/12	00	07	10
		135/13	00	01	89
		135/10	00	06	83
		135/1	00	00	56
		135/9	00	00	41
		148	00	09	95
		151/12	00	00	46
		151/11	00	02	83
		151/9	00	00	28
		151/7	00	06	12
		151/6	00	00	10
		150	00	00	68
		149	00	04	34
		146/4	00	04	34
		146/3	00	07	35
		146/1	00	02	86
		144/24	00	00	37
		144/23	00	04	69
		144/19	00	00	12
		144/20	00	05	25
		144/1/B	00	04	75
		144/17	00	03	75
		144/16	00	00	12
		174/2	00	23	76
SABBAVARAM	ASAKAPALLI	92/1	00	75	74
		90	00	06	22
		87	00	45	67
		84/38	00	06	92

DISTRICT: VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	ASAKAPALLI	84/13	00	01	02
		84/14	00	11	51
		84/27	00	00	02
		84/26	00	00	70
		84/25	00	02	65
		84/17	00	03	07
		84/18	00	02	52
		84/19	00	02	29
		84/20	00	03	74
		84/21	00	00	10
		81/13	00	04	57
		81/17	00	03	33
		81/16	00	04	21
		81/20	00	01	57
		81/19	00	00	02
		81/21	00	01	22
		81/22	00	00	05
		81/29	00	01	73
		81/51	00	00	40
		81/30	00	03	26
		81/31	00	00	18
		81/32	00	03	16
		81/34	00	01	56
		81/35	00	01	26
		81/36	00	01	20
		81/37	00	01	31
		62/2/C	00	00	24
		62/3	00	03	44
		62/4	00	00	88
		62/6	00	13	19
		62/7	00	01	02
		62/9	00	00	62
		62/10	00	01	74
		64	00	25	64
		66	00	21	13
		57/22	00	00	02
		57/23	00	15	30
		67/1A	00	03	62
SABBAVARAM	GALIBHIMAVARAM	106/8	00	00	47
		106/9	00	07	09
		106/11	00	24	48
		106/10	00	04	93
		104/3	00	23	48
		109/2	00	05	54
		109/1	00	00	37
		109/3	00	01	14
		103/4	00	03	08
		103/6	00	00	14
		103/5	00	01	18

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
SABBAVARAM	GALIBHIMAVARAM	103/7	00	09	17
		103/8	00	00	17
		103/10	00	02	62
		103/3	00	00	41
		103/9	00	00	10
		103/13	00	11	93
		103/14	00	00	15
		10/5	00	07	93
		10/6	00	01	13
		10/3	00	00	10
		10/4	00	12	66
		11/2	00	05	64
		11/1	00	06	32
		13/4	00	05	83
PALASA	KAMBARIGAM	13/3	00	07	46
		14/2	00	04	04
		14/1	00	08	07
		14/5	00	07	21
		14/4	00	05	43
		17/5	00	00	41
		17/1	00	10	41
		17/3	00	06	48
		18/11	00	03	07
		17/7	00	00	10
		18/5	00	03	33
		18/6	00	03	88
		18/7	00	07	47
		18/5	00	09	18
		20	00	05	93
NANDIGAM	AKULA RAGHUNADHAPURAM	158/1	00	02	48
		158/16	00	02	83
		158/17	00	00	10
		158/3	00	04	49
		158/15	00	02	94
		158/4	00	01	41
		158/14	00	01	44
		158/13	00	01	21
		158/12	00	00	36
		158/9	00	03	43
		158/8	00	01	25
		158/7	00	01	19
		158/6	00	00	87
		158/10	00	02	60
		165	00	05	90
		170/13	00	03	47
		172/1	00	03	10
		170/14	00	01	38
		170/15	00	01	24

DISTRICT:VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
NANDIGAM	AKULA RAGHUNADHAPURAM	170/16	00	01	25
		170/12	00	02	94
		170/11	00	01	70
		170/10	00	01	79
		170/17	00	00	40
		171/5	00	00	77
		171/1	00	07	94
		170/19	00	03	07
		170/22	00	05	83
		171/2	00	06	16
		169/1	00	10	74
		169/7	00	05	65
		169/8	00	06	34
		169/14	00	03	68
		169/15	00	01	74
		215	00	04	55
		214/1	00	04	44
		214/2	00	07	92
		214/4	00	02	17
		214/5	00	02	36
		214/6	00	00	88
		214/7	00	03	30
		214/8	00	02	81
		214/9	00	01	34
		214/31	00	06	23
		214/30	00	02	25
		214/32	00	01	72
		214/33	00	03	21
		212/8	00	00	40
		214/35	00	02	66
		211/1	00	01	33
		211/2	00	02	43
		211/8	00	05	07
		211/4	00	03	74
		211/5	00	02	49
		210/15	00	03	70
		210/14	00	03	79
		210/13	00	01	91
		210/12	00	00	74
		210/10	00	01	05
		210/11	00	02	26
		210/9	00	07	25
		219/4	00	05	67
		219/15	00	01	65
		219/18	00	03	60
		219/17	00	00	10
		219/19	00	00	29
		219/20	00	00	42

DISTRICT: VISAKHAPATNAM			STATE: ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY NO.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
NANDIGAM	AKULA RAGHUNADHAPURAM	219/23	00	01	36
		219/22	00	03	21
		219/21	00	00	54
		220/3	00	02	19
		220/6	00	03	94
		220/12	00	00	34
		220/1	00	06	80

[No. R-11025(11)252/2017-OR-I/E-21033]

SANTANU DHAR, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 28 मार्च, 2019

का.आ. 495.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि से कोयला अभिप्राप्त किए जाने की संभावना है;

और उक्त अनुसूची में उल्लिखित भूमि के क्षेत्र के व्यौरों को अंतर्विष्ट करने वाली रेखांक संख्या ई.सी.एल./एस.पी.एम./जी.एम./एसयूआर/1-63/22, तारीख 15 जनवरी, 2019 का निरीक्षण महाप्रबंधक, एस.पी. खान क्षेत्र, ईस्टर्न कोलफील्ड्स लिमिटेड, डाकघर चित्रा, जिला देवधर-815351 (झारखंड) के कार्यालय में या मुख्य महाप्रबंधक (खोज प्रभाग), सेंट्रल माइन प्लानिंग एण्ड डिजाइन इन्स्टीच्यूट लिमिटेड, गोंडवाना पैलेस, कांके रोड, रांची-834 031 (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 के कार्यालय में या जिला कलक्टर, दुमका-814101, झारखंड के कार्यालय में किया जा सकता है।

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास), अधिनियम 1957 (1957 का 20), (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1), द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वेक्षण करने के अपने आशय की नोटिस देती है।

उक्त अनुसूची में उल्लिखित भूमि में हितबद्ध कोई व्यक्ति -

- संपूर्ण भूमि या उसके किसी भाग या उक्त भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा; या
- उसकी धारा 4 की उप-धारा (3) के अधीन की गयी किसी कार्रवाई से हुई या होने वाली संभावित किसी क्षति के लिए उक्त अधिनियम की धारा 6 के अधीन प्रतिकर का दावा कर सकेगा; और
- उक्त अधिनियम की धारा 13 की उप-धारा (1) के अधीन पूर्वेक्षण अनुज्ञप्ति के प्रभावहीन होने के संबंध में या उक्त अधिनियम की धारा 13 की उप-धारा (4) के अधीन खनन पट्टे के प्रभावहीन होने के लिए प्रतिकर का दावा कर सकेगा और उसे उक्त अधिनियम की धारा 13 की उप-धारा (1) के खंड (i) से खंड (iv) में विनिर्दिष्ट मदों की बाबत उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, चाटों और अन्य दस्तावेजों को परिदत्त कर सकेगा,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर महाप्रबंधक का कार्यालय, एस.पी. खान क्षेत्र, ईस्टर्न कोलफील्ड्स लिमिटेड, डाकघर चित्रा, जिला देवधर-815351 (झारखंड) को सुपुर्द करेगा।

अनुसूची

अमरकोण्डा- मुर्गाडंगाल कोयला खनन ब्लॉक

जिला- दुमका, झारखंड

(रेखांक संख्या ई.सी.एल./एस.पी.एम./जी.एम./एसयूआर/1-63/22, तारीख 15 जनवरी, 2019)

क्रम संख्या	मौजा/ ग्राम	पटवारी सर्किल/ थाना/ ग्राम संख्या	तहसील/थाना	जिला	क्षेत्र हेक्टेयर में (लगभग)	टिप्पणियां
1	फुलशहरी	02/0009	शिकारीपारा	दुमका	37.767	भाग
2	लखनमारा	02/0011	शिकारीपारा	दुमका	0.192	भाग
3	हिरापुर-चित्रकुंडी	02/0013	शिकारीपारा	दुमका	198.860	भाग
4	मुर्गाबनी	02/0014	शिकारीपारा	दुमका	57.844	भाग
5	सातपकड़िया	02/0015	शिकारीपारा	दुमका	132.840	भाग
6	अमराकुंडा	02/0016	शिकारीपारा	दुमका	64.711	भाग
7	लिटियापहाड़	02/0017	शिकारीपारा	दुमका	28.801	भाग
8	कालीचुआ	02/0032	शिकारीपारा	दुमका	84.112	भाग
9	दलदली	02/0033	शिकारीपारा	दुमका	113.911	भाग
10	धोवाघाटी	02/0034	शिकारीपारा	दुमका	29.268	भाग
11	कटपहाड़ी	02/0036	शिकारीपारा	दुमका	19.469	भाग
कुल:					767.775 (लगभग)	

कुल: 767.775 हेक्टेयर (लगभग) या 1896.403 एकड़ (लगभग)

सीमा-वर्णन:

- (1) रेखा, क-ख : रेखा बिन्दु संख्या 'क' से प्रारंभ होती है और जो लिटियापहाड़ मौजा से कोयला ब्लॉक का उत्तरी कोना है, दक्षिण-पश्चिम दिशा से गुजरते हुए बिन्दु 'ख' के फुलशहरी मौजा तक पहुंचती है।
- (2) रेखा, ख-ग : रेखा बिन्दु संख्या 'ख' से प्रारंभ होती है और जो फुलशहरी मौजा से कोयला ब्लॉक का पश्चिम कोना है, दक्षिण-पूर्व से गुजरते हुए बिन्दु संख्या 'ग', हिरापुर-चित्रकुंडी मौजा तक पहुंचती है।
- (3) रेखा, ग-घ : रेखा बिन्दु संख्या 'ग' से प्रारंभ होती है और जो हिरापुर चित्रकुंडी मौजा से कोयला ब्लॉक का दक्षिण-पश्चिम कोना है, दक्षिण-पूर्व दिशा से गुजरते हुए बिन्दु संख्या 'घ', धोवाघाटी मौजा तक पहुंचती है।
- (4) रेखा, घ-ड. : रेखा बिन्दु संख्या 'घ' से प्रारंभ होती है और जो धोवाघाटी मौजा से कोयला ब्लॉक का दक्षिणी कोना है, उत्तर-पूर्व दिशा से गुजरते हुए बिन्दु संख्या 'ड.', कटपहाड़ी मौजा तक पहुंचती है।
- (5) रेखा, ड.-च : रेखा बिन्दु संख्या 'ड.' से प्रारंभ होती है और जो कटपहाड़ी मौजा से कोयला ब्लॉक का दक्षिण-पूर्व कोना है, उत्तर-पश्चिम दिशा से गुजरते हुए बिन्दु संख्या 'च', लिटियापहाड़ मौजा तक पहुंचती है।
- (6) रेखा, च-क: रेखा बिन्दु संख्या 'च' से प्रारंभ होती है जो लिटियापहाड़ मौजा से कोयला ब्लॉक का पूर्वी कोना है, उत्तर दिशा से गुजरते हुए बिन्दु संख्या 'क', लिटियापहाड़ मौजा पर पहुंचती है।

[फा.सं. 43015/1/2019-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

MINISTRY OF COAL

New Delhi, the 28th March, 2019

S.O. 495.— Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the schedule annexed hereto;

And, whereas, the plan bearing number ECL/SPM/GM/SUR/1-63/22, dated the 15th January, 2019 containing details of the area of land described in the said Schedule may be inspected at the office of the General Manager, S.P.Mines Area, Eastern Coalfields Limited, P.O. Chitra, District Deoghar-815351 (Jharkhand) or at the office of the Chief General Manager (Exploration Division), Central mine Planning and Design Institute Limited, Gondwana Place, Kanke Road, Ranchi -834 031 (Jharkhand) or at the office of the Coal Controller, 1, Council House Street, Kolkata-700001 or at the office of the District Collector, Dumka-814101, Jharkhand.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to the said Act), the Central Government hereby gives notice of its intention to prospect for coal from the land described in the said Schedule.

Any person interested in the land described in the said Schedule may –

- (i) object to the acquisition of the whole or any part of the land or of any rights in or over the said land; or
- (ii) claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 thereof ; or
- (iii) claim compensation under sub-section (1) of section 13 of the said Act, in respect of prospecting license ceasing to have effect or under sub-section (4) of section 13 of the said Act for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of section 13 of the said Act, to the office General Manager, S.P.Mines Area, Eastern Coalfields Limited, P.O. Chitra, District Deoghar-815351 (Jharkhand) within a period of ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE

Amarkonda-Murgadangal Coal Mining Block

District- Dumka, Jharkhand

[Plan bearing number ECL/SPM/GM/SUR/1-63/22, dated the 15th January, 2019]

Sr. No.	Mouza/Village	Patwari Circle / Thana / Village number	Tehsil/ Thana	District	Area in hectares (approximately)	Remarks
1	Fulsahri	02/0009	Shikaripara	Dumka	37.767	Part
2	Lakhanmara	02/0011	Shikaripara	Dumka	0.192	Part
3	Hirapur-Chitrakundi	02/0013	Shikaripara	Dumka	198.860	Part
4	Murgabani	02/0014	Shikaripara	Dumka	57.844	Part
5	Satpakria	02/0015	Shikaripara	Dumka	132.840	Part
6	Amrakunda	02/0016	Shikaripara	Dumka	64.711	Part
7	Litiapahar	02/0017	Shikaripara	Dumka	28.801	Part
8	Kalichua	02/0032	Shikaripara	Dumka	84.112	Part
9	Daldali	02/0033	Shikaripara	Dumka	113.911	Part
10	Dhobaghati	02/0034	Shikaripara	Dumka	29.268	Part
11	Katpahari	02/0036	Shikaripara	Dumka	19.469	Part
Total:					767.775 (approximately)	

Total: 767.775 hectares (approximately) or 1896.403 acres (approximately)

Boundary Description:

- (1) Line A-B: The line starts at point -A in the North corner of the coal block from Litiapahar mouza trends in South-West direction reaches at point-B in Fulsahri mouza.
- (2) Line B-C: The line starts at point -B in the West corner of the coal block in Fulsahri mouza trends in South-East direction reaches at point-C in Hirapur-Chitrakundi mouza.
- (3) Line C-D: The line starts at point -C in the South-West corner of the coal block in Hirapur-Chitrakundi mouza trends in South-East direction reaches at point-D in Dhobaghati mouza.
- (4) Line D-E: The straight line starts at point -D in the South corner of the coal block from Dhobaghati mouza trends in North-East direction reaches at point-E in Katpahari mouza.
- (5) Line E-F: The straight line starts at point -E in the South East corner of the coal block in Katpahari mouza trends in North-West direction reaches at point-F in Litiapahar mouza.
- (6) Line F-A: The line starts at point -F in the East corner of the coal block in Litiapahar mouza trends in North direction reaches at point-A in Litiapahar mouza.

[F.No. 43015/1/2019-LA&IR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 28 मार्च, 2019

का.आ. 496.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित परिक्षेत्र की भूमि से कोयला अभिप्राप्त किए जाने की संभावना है;

और, उक्त अनुसूची में उल्लिखित भूमि के क्षेत्र क्षेत्र के व्यौरो को अंतर्विष्ट करने वाली रेखांक संख्यांक एमसीएल/जेए/बीवीएसआरआई ओसीपी/एसआरवी/2019/493, तारीख 23 फरवरी, 2019 का निरीक्षण, निदेशक तकनीकी (संचालन), महानदी कोलफील्ड्स लिमिटेड, जागृति विहार, डाकघर बुर्ला, जिला सम्बलपुर-768018, ओडिशा के कार्यालय में या मुख्य महाप्रबंधक(खोज प्रभाग), केन्द्रीय खान योजना और डिजाइन संस्थान लिमिटेड, गोंडवाना प्लेस, कांके रोड, रांची (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता -700001 के कार्यालय में या जिला कलेक्टर, जिला अंगुल, ओडिशा के कार्यालय में किया जा सकता है;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र(अर्जन और विकास) अधिनियम 1957(1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है।) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में उल्लिखित भूमि से कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, -

- (i) संपूर्ण भूमि या उसके किसी भाग या उक्त भूमि में या उसके ऊपर किसी अधिकार के अर्जन पर आक्षेप कर सकेगा; या
- (ii) उसकी धारा 4 की उप-धारा (3) के अधीन की गई किसी कार्यवाही से हुई या होने वाली संभावित किसी क्षति के लिए उक्त अधिनियम की धारा 6 के अधीन प्रतिकर का दावा कर सकेगा; या
- (iii) अधिनियम की धारा 13 की उप-धारा (1) के अधीन समाप्त हो गई पूर्वोक्षण अनुज्ञप्तियों के संबंध में या अधिनियम की धारा 13 की उप-धारा (4) के अधीन समाप्त हो गये खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उप-धारा (1) के खण्ड (i) से खंड (iv) में विनिर्दिष्ट मदों के संबंध में उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, चाटों और अन्य दस्तावेजों को,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर निदेशक तकनीकी(संचालन), महानदी कोलफील्ड्स लिमिटेड, जागृति विहार पर स्थित, डाकघर-बुर्ला, जिला-सम्बलपुर-768018, ओडिशा के कार्यालय में भेजेगे।

अनुसूची

भुवनेश्वरी ओपनकास्ट परियोजना विस्तार (40 एमटीवाई)

अरखपाल- 'ए' और साखीगोपाल का- 'ए' का पार्ट कोयला ब्लॉक

तालचेर कोलफील्ड्स का जगन्नाथ क्षेत्र

(जिला-अंगुल, राज्य- ओडिशा)

(रेखांक संख्यांक एमसीएल/जेए/बीबीएसआरआई ओसीपी/एसआरवी /2019/493, तारीख 23 फरवरी, 2019)

तालिका						
क्रमांक	ग्राम का नाम	तहसील	जिला	पहले से अधिगृहीत क्षेत्र (एकड़ में)	अधिग्रहण किया जानेवाला (एकड़ में)	टिप्पणियां
1	अरखपाल	तालचेर	अंगुल	-	77.796	भाग
2	त्रिलोचनपुर	तालचेर	अंगुल	-	27.450	संपूर्ण
3	जदुनाथपुर	तालचेर	अंगुल	-	214.190	संपूर्ण
4	बलूंगा-खमार	तालचेर	अंगुल	223.63	164.270	संपूर्ण
5	तालवेडा	तालचेर	अंगुल	-	233.520	संपूर्ण
6	अनादिपुर	तालचेर	अंगुल	115.08	36.990	संपूर्ण
7	मदनमोहनपुर	तालचेर	अंगुल	114.67	105.000	संपूर्ण
8	कंडाल	तालचेर	अंगुल	94.554	610.300	संपूर्ण
9	आनंदपुर	तालचेर	अंगुल	-	52.770	संपूर्ण
10	कंडाल (आरक्षित वन)	तालचेर	अंगुल	-	39.931	भाग
	जोड़ :			547.934 एकड़ (लगभग) या 221.746 हेक्टेयर (लगभग)	1562.217 एकड़ (लगभग) 632.221 हेक्टेयर (लगभग)	

प्लॉट संख्याक का विवरण:**1. ग्राम: अरखपाल (भाग) :**

प्लॉट संख्यांक: 1145 से 1329, 1195/1330, 1191/1331, 1191/1332, 1315/1334, 1329/1335, 1308/1341, 1267/1345, 1218/1346, 1191/1347, 1219/1350, 1282/1355, 1158/1372, 1223/1383, 1226/1384, 1149/1395, 1149/1396, 1167/1397, 1167/1398, 1167/1399, 1167/1400, 1195/1401, 1204/1402, 1233/1403, 1233/1404, 1233/1405, 1233/1406, 1233/1407, 1233/1408, 1233/1409, 1233/1410, 1161/1414, 1158/1415, 1256/1418, 1294/1420, 1238/1429, 1279/1435, 1293/1436, 1293/1437, 1258/1438, 1212/1440, 1315/1441, 1317/1442, 1316/1443, 1236/1458, 1185/1461, 1292/1463, 1225/1465, 1325/1467, 1266/1473, 1307/1481, 1283/1491, 1286/1492, 1251/1494, 1156/1497, 1291/1498, 1166/1502, 1293/1508, 1256/1511, 1251/1512, 1171/1521, 1171/1522, 1277/1530, 1300/1531, 1322/1532, 1169/1542, 1169/1543.

2. ग्राम: त्रिलोचनपुर (संपूर्ण):

प्लॉट संख्यांक: 1 से 75, 46/76, 10/77, 9/78, 74/79, 60/80.

3. ग्राम:जदुनाथपुर (संपूर्ण):

प्लॉट संख्यांक: 1 से 165.

4. ग्राम:बलूंगा-खमार (संपूर्ण) :

प्लॉट संख्यांक: 1 से 24, 200 से 204, 205(भाग), 206 से 218, 219(भाग), 2/344, 16/345, 204/355, 201/359, 201/360, 204/361, 204/362, 204/363, 204/364, 208/401, 213/410, 6/417, 6/429, 204/437, 16/462, 16/463, 219/464(भाग), 16/485, 3/487, 208/534, 208/540, 6/545, 212/556, 212/557, 1/558, 3/560, 213/348, 215/349, 219/340(भाग), 3/569, 3/570.

5. ग्राम:तालवेड़ा(संपूर्ण):

प्लॉट संख्यांक: 1 से 1447, 861/1448, 858/1449, 754/1450, 754/1451, 524/1452, 524/1453, 524/1454, 423/1455, 159/1456, 1402/1457, 1402/1458, 344/1459, 102/1460, 9/1461, 9/1462, 997/1463, 1115/1464, 71/1465, 71/1466, 71/1467, 560/1468, 254/1469, 182/1470, 384/1471, 56/1472, 128/1473, 1106/1474, 181/1475, 194/1476, 1393/1477, 424/1478, 348/1479, 432/1480, 340/1481, 341/1482, 641/1483, 221/1484, 18/1485, 1138/1486, 52/1487, 51/1488, 345/1489, 1303/1490, 904/1491, 1031/1492, 1232/1493, 1232/1494, 198/1495, 1091/1496, 1441/1497, 626/1498, 1065/1499, 1140/1500, 1387/1501, 1446/1502, 858/1503, 858/1504, 86/1505, 421/1506, 543/1507, 497/1508, 497/1509, 1039/1510, 634/1511, 895/1512, 895/1513, 900/1514, 638/1515, 742/1516, 45/1517, 829/1518, 191/1519, 960/1520, 489/1521, 1426/1522, 760/1523, 760/1524, 774/1525, 759/1526, 1353/1527, 1354/1528, 1354/1529, 645/1530, 422/1531, 1165/1532, 1389/1533, 116/1534, 841/1535, 1443/1536, 524/1537, 715/1538, 90/1539, 200/1540, 194/1541, 447/1542, 79/1543, 586/1544, 1299/1545, 1112/1546, 7/1547, 411/1548, 903/1549, 1386/1550, 647/1551, 395/1552, 735/1553, 1433/1554, 648/1555, 47/1556, 1041/1557, 1395/1558, 1398/1559, 782/1560, 1085/1561, 558/1562, 226/1563, 212/1564, 50/1565, 51/1566, 680/1567, 787/1568, 735/1569, 453/1570, 1015/1571, 1015/1572, 1015/1573, 560/1574, 622/1575, 137/1576, 1398/1577, 397/1578, 676/1579, 583/1580, 1354/1581.

6. ग्राम: अनादिपुर (संपूर्ण):

प्लॉट संख्यांक: 45 (भाग), 46 से 74, 87, 88 (भाग), 119 से 121, 127, 155, 74/237, 68/159, 155/160, 155/161, 155/162, 122/166, 47/181, 121/189, 68/195, 155/199, 155/200, 155/201, 155/202, 155/203, 155/204, 122/206(भाग), 89/218, 161/228, 161/434, 161/435, 161/231, 161/232, 78/392, 73/278, 77/438, 77/439, 78/380, 79/379, 79/381, 80/368, 80/383, 80/384, 80/386, 81/339, 81/341, 81/342, 81/358, 81/359, 82/376, 161/251, 67/375.

7. ग्राम:मदनमोहनपुर (संपूर्ण):

प्लॉट संख्यांक: 1से125, 187(भाग), 188 से 197, 203 से 217, 229 से 265, 270(भाग), 271 से 322, 323(भाग), 324 से 326, 329(भाग), 62/536, 32/538, 259/540, 302/541, 324/542, 26/546, 25/547, 24/548, 24/549, 29/550, 100/553, 325/556, 52/563, 290/559, 303/562, 112/564, 29/565, 329/567, 282/568, 70/572, 302/573, 68/575, 277/576, 122/580, 304/583, 63/585, 1/587, 1/588, 1/589, 75/608, 38/539, 279/584, 94/571, 63/622, 63/612, 63/617, 572/623, 572/613, 572/618, 573/624, 573/614, 573/615, 94/616, 94/619, 94/620, 94/626, 94/625, 42/627, 42/621, 280/666, 281/667, 34/665.

8. ग्राम:कंडाल (संपूर्ण):

प्लॉट संख्याक: 1 से 269, 270 (भाग), 274 से 284, 286 से 301, 302(भाग), 303 से 2206, 2207(भाग), 2208(भाग), 2209से 2224, 2229 से 2251, 1535/2392, 1586/2393, 1587/2394, 2266/2395, 1260/2396, 1260/2397, 1260/2398, 1260/2399, 1261/2400, 1261/2401, 732/2402, 1862/2405, 270/2411(भाग), 2040/2412, 2078/2413, 1480/2414, 1482/2415, 1489/2416, 133/2418, 128/2419, 128/2420, 128/2421, 128/2422, 230/2423, 1538/2424, 1828/2425, 25/2426, 233/2427, 1077/2429, 1603/2431, 1161/2432, 1573/2433, 8/2434, 130/2435, 138/2436, 1220/2437, 715/2438, 1974/2439, 765/2440, 1565/2441, 1765/2442, 77/2446, 61/2447, 28/2448, 1553/2449, 1139/2450, 1250/2451, 171/2455, 1444/2456, 439/2457, 2115/2458, 728/2459, 361/2460, 361/2461, 363/2462, 1561/2463, 1907/2465, 1869/2466, 1400/2468, 78/2469, 114/2471, 249/2472, 1630/2473, 1146/2474, 1556/2475, 1435/2476, 178/2477, 174/2478, 849/2479, 900/2480, 893/2481, 893/2482, 1395/2483, 1194/2484, 1804/2485, 1615/2486, 1671/248, 1220/2489, 1039/2490, 1039/2491, 1039/2492, 342/2497, 1283/2504, 333/2510, 334/2511, 1481/2512, 957/2513, 1475/2514, 1551/2515, 267/2517, 2076/2518, 129/2519, 1191/2523, 1030/2524, 1229/2525, 1517/2526, 1519/2528, 1519/2529, 1182/2530, 1182/2531, 1182/2532, 1184/2533, 1184/2534, 1184/2535, 1458/2536, 1458/2537, 2061/2538, 265/2539, 382/2540, 1224/2541, 1224/2542, 2099/2543, 744/2545, 846/2550, 1509/2551, 1150/2552, 798/2553, 1825/2557, 1825/2563, 1687/2564, 1687/2565, 242/2568, 242/2569, 189/2572, 2009/2573, 394/2574, 773/2575, 1879/2576, 344/2578, 181/2580, 98/2583, 386/2584, 1127/2585, 2005/2586, 133/2587, 2128/2588, 1565/2590, 1200/2591, 1972/2592, 1610/2595, 111/2596, 98/2597, 103/2598, 100/2599, 702/2600, 101/2601, 698/2602, 1434/2603, 727/2604, 729/2605, 1042/2606, 1257/2607, 1259/2608, 1276/2613, 278/2614, 279/2615, 1663/2616, 80/2619, 716/2623, 794/2624, 794/2625, 794/2626, 768/ 2627, 768/2628, 768/2629, 769/2630, 769/2631, 732/2632, 732/2633, 732/2634, 732/2635, 732/2636, 1134/2637, 1134/2638, 1134/2639, 1187/2640, 1654/2643, 1636/2644, 1695/2645, 2001/2647, 384/2652, 213/2653, 384/2654, 171/2656, 1274/2657, 1268/2659, 1079/2660, 73/2661, 172/2669, 678/2670, 1256/2672, 1879/2673, 172/2675, 1911/2676, 2021/2677, 1880/2678, 1880/2679, 1545/2680, 232/2681, 1557/2682, 1263/2684, 1545/2690, 283/2691, 1416/2692, 1818/2693, 1500/2694, 343/2695, 343/2696, 1608/2701, 263/2703, 933/2704, 1492/2705, 1963/2707, 77/2708, 172/2709, 172/2710, 172/2712, 2077/2713, 172/2714, 678/2716, 1206/2717, 1844/2721, 1166/2722, 706/2725, 677/2726, 798/2727, 803/2728, 816/2729, 1820/2733, 1820/2734, 2116/2736, 2116/2737, 1918/2738, 1918/2739, 1918/2740, 1941/2741, 1167/2743, 1828/2745, 390/2746, 6/2752, 6/2753, 1196/2754, 269/2756, 269/2657, 1387/2768, 1387/2769, 1383/2770, 1913/2771, 1913/2772, 1684/2773, 1684/2774, 1684/2775, 970/2784, 1165/2785, 1165/2786, 1165/2787, 1228/2788, 1228/2789, 1228/2790, 1436/2791, 1436/2792, 1436/2793, 1437/2794, 1437/2795, 1437/2796, 1471/2797, 1471/2798, 232/2799, 835/2800, 1029/2801, 1986/2802, 936/2803, 76/2805, 1472/2806, 689/2807, 689/2808, 689/2809, 689/2810, 689/2811, 689/2812, 689/2813, 689/2814, 689/2815, 689/2816, 689/2817, 684/2818, 684/2819, 684/2820, 684/2821, 684/2822, 693/2823, 932/2824, 932/2825, 1039/2826, 1201/2827, 1201/2828, 1588/2829, 1588/2830, 677/2836, 600/2417, 1282/2430, 544/2445, 1290/2452, 1292/2453, 1328/2467, 1846/2470,

1384/2488, 1721/2493, 620/2505, 1375/2506, 1375/2507, 1373/2508, 1373/2509, 565/2516, 673/2522, 1335/2527, 485/2546, 485/2547, 1787/2549, 1761/2556, 1325/2558, 630/2566, 1787/2567, 1793/2570, 1789/2571, 1299/2577, 1307/2582, 577/2589, 1796/2593, 1369/2594, 1010/2609, 1010/2610, 1801/2612, 1855/2617, 569/2620, 569/2621, 568/2622, 1043/2641, 1362/2642, 1741/2646, 881/2651, 582/2655, 509/2658, 1292/2662, 674/2663, 673/2664, 672/2665, 671/2666, 670/2667, 662/2668, 1852/2671, 1794/2674, 1733/2697, 484/2698, 1737/2699, 1308/2706, 423/2711, 494/2715, 1290/2723, 1846/2724, 1748/2732, 869/2735, 867/2742, 547/2776, 547/2777, 1361/2778, 1361/2779, 1721/2780, 1721/2781, 609/2782, 422/2804, 639/2831, 639/2832, 975/2833, 1854/2835, 2133/2406, 2133/2407, 2133/2408, 2133/2409, 2163/2428, 2146/2443, 2147/2445, 2133/2494, 2133/2521, 2210/2544, 2193/2554, 2201/2555, 2140/2559, 2133/2579, 2160/2581, 2143/2611, 2237/2616, 2164/2683, 2246/2731, 2163/2749, 2163/2750, 2133/2762, 2133/2763, 2182/2764, 2182/2765, 2182/2766, 2182/2767, 2163/2783.

9. ग्राम: आनंदपुर(संपूर्ण):

प्लॉट संख्याक: 1 से 273, 255/274, 154/275, 255/276, 255/277, 255/278, 255/279, 8/280, 29/281, 46/282, 46/283.

10. कंडाल [आरक्षित वन (आर.एफ.)] (भाग): क्षेत्र – 39.931 एकड़.

सीमा विवरण:

रेखा क-ख : बिन्दु 'क' से प्रारंभ होती है जो नरहरीपुर, यदुनाथपुर, कंडाल एवं अनादिपुर ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है और यह क्षेत्र लिंगराज ओपनकास्ट परियोजना का पुराना अधिकृत क्षेत्र है। रेखा क-ख नरहरीपुर, और यदुनाथपुर ग्रामों के सम्मिलित सीमा के साथ बढ़ती है।

रेखा ख-ग : बिन्दु 'ख' यदुनाथपुर, अरखपाल और नरहरीपुर ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा ख-ग यदुनाथपुर, अरखपाल ग्रामों के सम्मिलित सीमा के साथ बढ़ती है।

रेखा ग-घ : बिन्दु 'ग' अरखपाल, जिलीण्डा और नरहरीपुर ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा ग-घ बंगारुनाल नाल के पास से गुजरती हुई अरखपाल ग्रामों के प्लॉट संख्या 1146 पर स्थित है।

रेखा घ-ड. : बिन्दु 'घ' अरखपाल ग्रामों के प्लॉट संख्या 1146 पर स्थित है। रेखा घ-ड. बंगारुनाल के दक्षिण सीमा के साथ बढ़ती है।

रेखा ड.-च: बिन्दु 'ड.' अरखपाल, ब्रजनाथपुर और यदुनाथपुर ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा ड.च यदुनाथपुर और ब्रजनाथपुर सम्मिलित सीमा के साथ बढ़ती है।

रेखा च-छ: बिन्दु 'च' यदुनाथपुर, ब्रजनाथपुर और कंडाल (आर.एफ.) ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा च-छ यदुनाथपुर एबम कंडाल (आर.एफ.) सम्मिलित सीमा के साथ बढ़ती है।

रेखा छ-ज: बिन्दु 'छ' यदुनाथपुर, कंडाल और कंडाल (आर.एफ.) ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा छ-ज कंडाल और कंडाल ग्रामों (आर.एफ.) तक प्लॉट संख्या 80 पर स्थित है।

रेखा ज-झ: बिन्दु 'छ' कंडाल, प्लॉट संख्या 80 और रेखा छ-झ के आसपास उत्तर और दक्षिण सीमा के साथ बढ़ती है।

रेखा झ-ज: बिन्दु कंडाल, (आर.एफ.) के उत्तर दक्षिण और पूर्व सीमा के साथ बढ़ती है।

रेखा ज-ट : बिन्दु कंडाल, (आर.एफ.) के पश्चिम सीमा के साथ बढ़ती है।

रेखा ट-ठ: बिन्दु कंडाल, पंचायत रास्ते के प्लाट संख्या 1147 और रेखा टठ कंडाल, और कंडाल (आर.एफ़.) सीमा के साथ बढ़ती है।

रेखा ठ-ड: बिन्दु 'ठ' कंडाल, कंडाल (आर.एफ़.) और सर्किशोरेपाल ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा ठड कंडाल और सर्किशोरेपाल सम्मिलित सीमा के साथ बढ़ती है।

रेखा ड-ढ: बिन्दु 'ड' कंडाल, कंडाल (आर.एफ़.) और सर्किशोरेपाल ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा डढ कंडाल और कंडाल (आर.एफ़.) सम्मिलित सीमा के साथ बढ़ती है।

रेखा ढ-ण: बिन्दु 'ढ' दुल्लाभपुर कंडाल, और कंडाल (आर.एफ़.) ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा ढ-ण कंडाल और दुल्लाभपुर सम्मिलित सीमा के साथ बढ़ती है।

रेखा ण-त: बिन्दु 'ण' कंडाल, दुल्लाभपुर और आनंदापुर ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा ण-त आनंदापुर और दुल्लाभपुर सम्मिलित सीमा के साथ बढ़ती है।

रेखा त-थ: बिन्दु 'त' आनंदापुर, दुल्लाभपुर और बालुंगा-खमार ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा त-थ दुल्लाभपुर और बालुंगा-खमार सम्मिलित सीमा के साथ बढ़ती है।

रेखा थ-द: बिन्दु 'थ' दुल्लाभपुर बालुंगा-खमार और डबलिन ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा थ-द डबलिन और बालुंगा-खमार सम्मिलित सीमा के साथ बढ़ती है।

रेखा द-ध: बिन्दु 'द' बालुंगा-खमार, डबलिन और एकदसियापुर ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा द-ध बालुंगा-खमार और एकदसियापुर सम्मिलित सीमा के साथ बढ़ती है।

रेखा ध-न: बिन्दु 'ध' बालुंगा-खमार, एकदसियापुर और तालबेड़ा ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा ध-न तालबेड़ा और एकदसियापुर सम्मिलित सीमा के साथ बढ़ती है।

रेखा न-प बिन्दु 'न' तालबेड़ा, एकदसियापुर और रसालपुर ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा न-प रसालपुर और तालबेड़ा सम्मिलित सीमा के साथ बढ़ती है।

रेखा प-फ: बिन्दु 'प' रसालपुर, बनमालीपुर और तालबेड़ा ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा प-फ तालबेड़ा और बनमालीपुर सम्मिलित सीमा के साथ बढ़ती है।

रेखा फ-ब: बिन्दु 'फ' बनमालीपुर, दासरथीपुर और तालबेड़ा ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा फ-ब तालबेड़ा और दासरथीपुर सम्मिलित सीमा के साथ बढ़ती है।

रेखा ब-भ: बिन्दु 'ब' तालबेड़ा, दासरथीपुर और आचयरनाली ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा ब-भ तालबेड़ा और आचयरनाली सम्मिलित सीमा के साथ बढ़ती है।

रेखा भ-म: बिन्दु 'भ' तालबेड़ा, आचयरनाली और ददर ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा भ-म तालबेड़ा और ददर सम्मिलित सीमा के साथ बढ़ती है।

रेखा म-य: बिन्दु 'म' ददर, मलिपदा और तालबेड़ा, ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा म-य मलिपदा और तालबेड़ा सम्मिलित सीमा के साथ बढ़ती है।

रेखा य-य1: बिन्दु 'य' मानिकगोड़ा, मलिपदा और तालबेड़ा, ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा यय1 मानिकगोड़ा और तालबेड़ा सम्मिलित सीमा के साथ बढ़ती है।

रेखा य1-य2: बिन्दु 'य1' मानिकगोड़ा, तालबेड़ा और गेंगुटिया ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा य1य2 गेंगुटिया और तालबेड़ा सम्मिलित सीमा के साथ बढ़ती है।

रेखा य2-य3: बिन्दु 'य2' बालुंगा-खमार, तालबेड़ा और गेंगुटिया ग्रामों के ट्राई-जंक्शन पिलर पर स्थित है। रेखा य 2य 3 तालबेड़ा एबम बालुंगा-खमार, सम्मिलित सीमा के साथ बढ़ती है।

रेखा य3-य4: बिन्दु 'य3' तालबेड़ा प्लाट संख्यांक 159 और ग्राम बालुंगा-खमार प्लाट संख्यांक 218 और 124 के ऊपर स्थित है। रेखा य3य4 बालुंगा-खमार गाँव के प्लाट संख्यांक 218, 464, 214, 205, 406, 226, 509, 230, 231, 229, 408, 365, 360, 359, 200, 201, 211, 28, 27, 24 और 25 सम्मिलित सीमा के साथ बढ़ती है।

रेखा य4-य5: बिन्दु 'य4' बालुंगा-खमार प्लाट संख्यांक 20, 24 के ऊपर स्थित है। रेखा य4य5 बालुंगा-खमार गाँव के प्लाट संख्यांक 25, 352, 695, और 669 सम्मिलित सीमा के साथ बढ़ती है।

रेखा य5-य6: बिन्दु 'य5' बालुंगा-खमार प्लाट संख्यांक 669 मदनमोहनपुर प्लाट संख्यांक 124 के ऊपर स्थित है। रेखा य5य6 मदनमोहनपुर गाँव के प्लाट संख्यांक 229, 265, 262, 260, 271, 579, 326, 323, 327, 328, 590, 261, 267, 226, 228, 217, 219, 218, 202, 201, 199 और 198 सम्मिलित सीमा के साथ बढ़ती है।

रेखा य6-य7: बिन्दु 'य6' मदनमोहनपुर प्लाट संख्यांक 327, 326 मदनमोहनपुर और कंढाल प्लाट संख्यांक 2249, 2250 के ऊपर स्थित है। रेखा य6य7 कंढाल गाँव के प्लाट संख्यांक 2250, 2251, 2252, 2245, 2244, 2229, 2223, 2208, 2278, 2207, 2276, 2225 और 2252 सम्मिलित सीमा के साथ बढ़ती है।

रेखा य7-य8: बिन्दु 'य7' कंढाल प्लाट संख्यांक 2749, 2207 और कंढाल प्लाट संख्यांक 122 के ऊपर स्थित है। रेखा य7य8 अनादिपुर गाँव के प्लाट संख्यांक 122, 206, 123, 124, 125, 126, 127, 128, 117, 118, 119, 221, 195, 218, 217, 88, 45, 40, 39, 38, 166 और 155 सम्मिलित सीमा के साथ बढ़ती है।

रेखा य8-य9: बिन्दु 'य8' कंढाल प्लाट संख्यांक 302 और अनादिपुर प्लाट संख्यांक 45 के ऊपर स्थित है। रेखा य8य9 कंढाल गाँव के प्लाट संख्यांक 302, 304, 305, 303, 301, 286, 284, 285, 273, 274, 271, 270, 2411 सम्मिलित सीमा के साथ बढ़ती है।

रेखा य9-क: बिन्दु 'य9' कंढाल प्लाट संख्यांक 2411 और जदुनाथपुर प्लाट संख्यांक 165 के ऊपर स्थित है। रेखा य9 कंढाल गाँव के प्लाट संख्यांक 2411 जदुनाथपुर प्लाट संख्यांक 165 के सम्मिलित सीमा के साथ बढ़ती है।

[फा.सं. 43015/3/2019-एलएआईआर]

राम शिरोमणि सरोज, उप सचिव

New Delhi, the 28th March, 2019

S.O. 496.—Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the schedule annexed hereto;

And, whereas, the plan bearing number MCL/JA/BBSRI OCP/SRV/2019/493, dated the 23rd February, 2019 the containing details of the area of land described in the said Schedule may be inspected at the office of the Director Technical (operation), Mahanadi Coalfields Limited, At- Jagruti Vihar, P.O. Burla, District Sambalpur-768018, Odisha or at the office of the Chief General Manager (Exploration Division), Central Mining Planning and Design Institute limited, Gondwana Place, Kanke Road, Ranchi(Jharkhand) or at the office of the Coal Controller, I, Council House Street, Kolkata-700001 or at the office of the District Collector, District Angul, Odisha;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal from the land described in the said schedule.

Any person interested in the land described in the said schedule may -

- (i) object to the acquisition of the whole or any part of the land or any right in or over the said land; or
- (ii) claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section(3) of section 4 thereof; or
- (iii) claim compensation under sub-section(1) of section 13 of the act in respect of prospecting licenses ceasing to have effect or under sub-section(4) of section 13 of the Act for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the land to show the expenditure

incurred in respect of items specified in clauses(i) to (iv) of sub-section (1) of section 13 of the said Act, to the office of the Director Technical (operation), Mahanadi Coalfields Limited, At- Jagruti Vihar, P.O. Burla, District Sambalpur-768018, Odisha within a period of ninety days from the date of publication of this notification in the official Gazette.

SCHEDULE

Bhubaneswari Opencast Project Expansion (40 MTY)

Arakhpal – ‘A’ and Part of Sakhigopal-‘A’ Coal Blocks

Jagannath Area of Talcher Coalfields

(District- Angul, State- Odisha)

(Plan bearing number MCL/JA/BBSRI OCP/SRV/2019/493, dated the 23rd February, 2019)

Table						
Sl. No.	Name of Village	Tahasil	District	Previously acquired area (in acre) (under CBA act & LA act)	Area to be acquired (in acre)	Remarks
1	Arakhpal	Talcher	Angul	-	77.796	Part
2	Trilochanpur	Talcher	Angul	-	27.450	Full
3	Jadunathpur	Talcher	Angul	-	214.190	Full
4	Balunga-Khamar	Talcher	Angul	223.63	164.270	Full
5	Talabeda	Talcher	Angul	-	233.520	Full
6	Anadipur	Talcher	Angul	115.08	36.990	Full
7	Madanmohanpur	Talcher	Angul	114.67	105.000	Full
8	Kandhal	Talcher	Angul	94.554	610.300	Full
9	Anandapur	Talcher	Angul	-	52.770	Full
10	Kandhal (Reserve Forest)	Talcher	Angul	-	39.931	Part
	Total:			547.934 acres (approximately or 221.746 hectares (approxim-ately))	1562.217 acres (approximately 632.221 hectares (approxim-ately))	

Details of the Plot Numbers:

1. Village : Arakhpal (Part):

Plots Numbers : 1145 to1329, 1195/1330, 1191/1331, 1191/1332, 1315/1334, 1329/1335, 1308/1341, 1267 / 1345, 1218/1346, 1191/1347, 1219/1350, 1282/1355, 1158/1372, 1223/1383, 1226/1384, 1149/1395, 1149/1396, 1167/1397, 1167/1398, 1167/1399, 1167/1400, 1195/1401, 1204/1402, 1233/1403, 1233/1404, 1233/1405, 1233/1406, 1233/1407, 1233/1408, 1233/1409, 1233/1410, 1161/1414, 1158/1415, 1256/1418, 1294/1420, 1238/1429, 1279/1435, 1293/1436, 1293/1437, 1258/1438, 1212/1440, 1315/1441, 1317/1442, 1316/1443, 1236/1458, 1185/1461, 1292/1463, 1225/1465, 1325/1467, 1266/1473, 1307/1481, 1283/1491, 1286/1492, 1251/1494, 1156/1497, 1291/1498, 1166/1502, 1293/1508, 1256/1511, 1251/1512, 1171/1521, 1171/1522, 1277/1530, 1300/1531, 1322/1532, 1169/1542, 1169/1543.

2. Village : Trilochanpur (Full) :

Plots Numbers : 1 to 75, 46/76, 10/77, 9/78, 74/79, 60/80.

3. Village: Jadunathpur (Full) :

Plots Numbers : 1 to 165.

4. Village : Balunga-Khamar (Full) :

Plots Numbers: 1to24, 200to204, 205(P), 206to218, 219(P), 2/344, 16/345, 204/355, 201/359, 201/360, 204/361, 204/362, 204/363, 204/364, 208/401, 213/410, 6/417, 6/429, 204/437, 16/462, 16/463, 219/464(P), 16/485, 3/487, 208/534, 208/540, 6/545, 212/556, 212/557, 1/558, 3/560, 213/348, 215/349, 219/340(P), 3/569, 3/570.

5. Village : Talabeda (Full):

Plots Numbers : 1to1447, 861/1448, 858/1449, 754/1450, 754/1451, 524/1452, 524/1453, 524/1454, 423/1455, 159/1456, 1402/1457, 1402/1458, 344/1459, 102/1460, 9/1461, 9/1462, 997/1463, 1115/1464, 71/1465, 71/1466,

71/1467, 560/1468, 254/1469, 182/1470, 384/1471, 56/1472, 128/1473, 1106/1474, 181/1475, 194/1476, 1393/1477, 424/1478, 348/1479, 432/1480, 340/1481, 341/1482, 641/1483, 221/1484, 18/1485, 1138/1486, 52/1487, 51/1488, 345/1489, 1303/1490, 904/1491, 1031/1492, 1232/1493, 1232/1494, 198/1495, 1091/1496, 1441/1497, 626/1498, 1065/1499, 1140/1500, 1387/1501, 1446/1502, 858/1503, 858/1504, 86/1505, 421/1506, 543/1507, 497/1508, 497/1509, 1039/1510, 634/1511, 895/1512, 895/1513, 900/1514, 638/1515, 742/1516, 45/1517, 829/1518, 191/1519, 960/1520, 489/1521, 1426/1522, 760/1523, 760/1524, 774/1525, 759/1526, 1353/1527, 1354/1528, 1354/1529, 645/1530, 422/1531, 1165/1532, 1389/1533, 116/1534, 841/1535, 1443/1536, 524/1537, 715/1538, 90/1539, 200/1540, 194/1541, 447/1542, 79/1543, 586/1544, 1299/1545, 1112/1546, 7/1547, 411/1548, 903/1549, 1386/1550, 647/1551, 395/1552, 735/1553, 1433/1554, 648/1555, 47/1556, 1041/1557, 1395/1558, 1398/1559, 782/1560, 1085/1561, 558/1562, 226/1563, 212/1564, 50/1565, 51/1566, 680/1567, 787/1568, 735/1569, 453/1570, 1015/1571, 1015/1572, 1015/1573, 560/1574, 622/1575, 137/1576, 1398/1577, 397/1578, 676/1579, 583/1580, 1354/1581.

6. Village : Anadipur (Full) :

Plots Numbers : 45(P), 46to74, 87, 88(P), 119to121, 127, 155, 74/237, 68/159, 155/160, 155/161, 155/162, 122/166, 47/181, 121/189, 68/195, 155/199, 155/200, 155/201, 155/202, 155/203, 155/204, 122/206(P), 89/218, 161/228, 161/434, 161/435, 161/231, 161/232, 78/392, 73/278, 77/438, 77/439, 78/380, 79/379, 79/381, 80/368, 80/383, 80/384, 80/386, 81/339, 81/341, 81/342, 81/358, 81/359, 82/376, 161/251, 67/375.

7. Village : Madanmohanpur (Full) :

Plots Numbers : 1to125, 187(P), 188to197, 203to217, 229to265, 270(P), 271to322, 323(P), 324to326, 329(P), 62/536, 32/538, 259/540, 302/541, 324/542, 26/546, 25/547, 24/548, 24/549, 29/550, 100/553, 325/556, 52/563, 290/559, 303/562, 112/564, 29/565, 329/567, 282/568, 70/572, 302/573, 68/575, 277/576, 122/580, 304/583, 63/585, 1/587, 1/588, 1/589, 75/608, 38/539, 279/584, 94/571, 63/622, 63/612, 63/617, 572/623, 572/613, 572/618, 573/624, 573/614, 573/615, 94/616, 94/619, 94/620, 94/626, 94/625, 42/627, 42/621, 280/666, 281/667, 34/665.

8. Village : Kandhal (Full) :

Plots Number : 1 to 269, 270(P), 274 to 284, 286 to 301, 302(P), 303 to 2206, 2207(P), 2208(P), 2209 to 2224, 2229to2251, 1535/2392, 1586/2393, 1587/2394, 2266/2395, 1260/2396, 1260/2397, 1260/2398, 1260/2399, 1261/2400, 1261/2401, 732/2402, 1862/2405, 270/2411(P), 2040/2412, 2078/2413, 1480/2414, 1482/2415, 1489/2416, 133/2418, 128/2419, 128/2420, 128/2421, 128/2422, 230/2423, 1538/2424, 1828/2425, 25/2426, 233/2427, 1077/2429, 1603/2431, 1161/2432, 1573/2433, 8/2434, 130/2435, 138/2436, 1220/2437, 715/2438, 1974/2439, 765/2440, 1565/2441, 1765/2442, 77/2446, 61/2447, 28/2448, 1553/2449, 1139/2450, 1250/2451, 171/2455, 1444/2456, 439/2457, 2115/2458, 728/2459, 361/2460, 361/2461, 363/2462, 1561/2463, 1907/2465, 1869/2466, 1400/2468, 78/2469, 114/2471, 249/2472, 1630/2473, 1146/2474, 1556/2475, 1435/2476, 178/2477, 174/2478, 849/2479, 900/2480, 893/2481, 893/2482, 1395/2483, 1194/2484, 1804/2485, 1615/2486, 1671/2487, 1220/2489, 1039/2490, 1039/2491, 1039/2492, 342/2497, 1283/2504, 333/2510, 334/2511, 1481/2512, 957/2513, 1475/2514, 1551/2515, 267/2517, 2076/2518, 129/2519, 1191/2523, 1030/2524, 1229/2525, 1517/2526, 1519/2528, 1519/2529, 1182/2530, 1182/2531, 1182/2532, 1184/2533, 1184/2534, 1184/2535, 1458/2536, 1458/2537, 2061/2538, 265/2539, 382/2540, 1224/2541, 1224/2542, 2099/2543, 744/2545, 846/2550, 1509/2551, 1150/2552, 798/2553, 1825/2557, 1825/2563, 1687/2564, 1687/2565, 242/2568, 242/2569, 189/2572, 2009/2573, 394/2574, 773/2575, 1879/2576, 344/2578, 181/2580, 98/2583, 386/2584, 1127/2585, 2005/2586, 133/2587, 2128/2588, 1565/2590, 1200/2591, 1972/2592, 1610/2595, 111/2596, 98/2597, 103/2598, 100/2599, 702/2600, 101/2601, 698/2602, 1434/2603, 727/2604, 729/2605, 1042/2606, 1257/2607, 1259/2608, 1276/2613, 278/2614, 279/2615, 1663/2616, 80/2619, 716/2623, 794/2624, 794/2625, 794/2626, 768/2627, 768/2628, 768/2629, 769/2630, 769/2631, 732/2632, 732/2633, 732/2634, 732/2635, 732/2636, 1134/2637, 1134/2638, 1134/2639, 1187/2640, 1654/2643, 1636/2644, 1695/2645, 2001/2647, 384/2652, 213/2653, 384/2654, 171/2656, 1274/2657, 1268/2659, 1079/2660, 73/2661, 172/2669, 678/2670, 1256/2672, 1879/2673, 172/2675, 1911/2676, 2021/2677, 1880/2678, 1880/2679, 1545/2680, 232/2681, 1557/2682, 1263/2684, 1545/2690, 283/2691, 1416/2692, 1818/2693, 1500/2694, 343/2695, 343/2696, 1608/2701, 263/2703, 933/2704, 1492/2705, 1963/2707, 77/2708, 172/2709, 172/2710, 172/2712, 2077/2713, 172/2714, 678/2716, 1206/2717, 1844/2721, 1166/2722, 706/2725, 677/2726, 798/2727, 803/2728, 816/2729, 1820/2733, 1820/2734, 2116/2736, 2116/2737, 1918/2738, 1918/2739, 1918/2740, 1941/2741, 1167/2743, 1828/2745, 390/2746, 6/2752, 6/2753, 1196/2754, 269/2756, 269/2657, 1387/2768, 1387/2769, 1383/2770, 1913/2771, 1913/2772, 1684/2773, 1684/2774, 1684/2775, 970/2784, 1165/2785, 1165/2786, 1165/2787, 1228/2788, 1228/2789, 1228/2790, 1436/2791, 1436/2792, 1436/2793, 1437/2794, 1437/2795, 1437/2796, 1471/2797, 1471/2798, 232/2799, 835/2800, 1029/2801, 1986/2802, 936/2803, 76/2805, 1472/2806, 689/2807, 689/2808, 689/2809, 689/2810, 689/2811, 689/2812, 689/2813, 689/2814, 689/2815, 689/2816, 689/2817, 684/2818, 684/2819, 684/2820, 684/2821, 684/2822, 693/2823, 932/2824, 932/2825, 1039/2826, 1201/2827, 1201/2828, 1588/2829, 1588/2830, 677/2836, 600/2417, 1282/2430, 544/2445, 1290/2452, 1292/2453, 1328/2467, 1846/2470, 1384/2488, 1721/2493, 620/2505, 1375/2506, 1375/2507, 1373/2508, 1373/2509, 565/2516, 673/2522, 1335/2527, 485/2546, 485/2547, 1787/2549, 1761/2556, 1325/2558, 630/2566, 1787/2567, 1793/2570, 1789/2571, 1299/2577, 1307/2582, 577/2589, 1796/2593, 1369/2594, 1010/2609, 1010/2610, 1801/2612, 1855/2617, 569/2620, 569/2621, 568/2622, 1043/2641, 1362/2642, 1741/2646, 881/2651, 582/2655, 509/2658, 1292/2662, 674/2663, 673/2664, 672/2665, 671/2666, 670/2667, 662/2668, 1852/2671, 1794/2674, 1733/2697, 484/2698, 1737/2699, 1308/2706, 423/2711, 494/2715, 1290/2723, 1846/2724, 1748/2732, 869/2735, 867/2742, 547/2776, 547/2777, 1361/2778, 1361/2779, 1721/2780, 1721/2781, 609/2782, 422/2804, 639/2831, 639/2832, 975/2833, 1854/2835, 2133/2406, 2133/2407, 2133/2408, 2133/2409, 2163/2428, 2146/2443, 2147/2445, 2133/2494, 2133/2521, 2210/2544, 2193/2554, 2201/2555, 2140/2559, 2133/2579, 2160/2581,

2143/2611, 2237/2616, 2164/2683, 2246/2731, 2163/2749, 2163/2750, 2133/2762, 2133/2763, 2182/2764, 2182/2765, 2182/2766, 2182/2767, 2163/2783.

9. Village : Anandapur(Full):

Plots Numbers : 1 to 273, 255/274, 154/275, 255/276, 255/277, 255/278, 255/279, 8/280, 29/281, 46/282, 46/283.

10. Kandhal [Reserve Forest (R.F.)] (Part): Area -39.931 acres.

BOUNDARY DESCRIPTION:

LINE-A-B: Point A is situated over Tri-junction pillar of Village-Naraharipur, Jadunathpur, Kandhal and Anadipur which is old lease hold area of Lingaraj Opencast Project. AB line running along the common village boundary of Naraharipur and Jadunathpur.

LINE-B-C : Point B is situated over Tri-Junction pillar of Village-Jadunathpur, Arakhapal and Naraharipur. BC line is running along the common village boundary of Naraharipur and Arakhapal.

LINE-C-D : Point C is situated over Tri-Junction pillar of village-Arakhapal, Jilinda and Naraharipur. CD line is running along the common village boundary of Jilinda and Arakhapal over the plot number 1146 of village-Arakhapal nearer to Bangarunal.

LINE-D-E: Point D is situated plot number 1146 over the village road of Arakhapal. DE point is running along the south site bank of the Bangarunal.

LINE-E-F : Point E is situated over Tri-junction pillar of village-Arakhapal, Brajanathpur and Jadunathpur. EF line running along the common village boundary Jadunathpur and Brajanathpur.

LINE-F-G : Point F is situated over the Tri-junction pillar of village-Jadunathpur, Brajanathpur and Kandhal (R.F.). FG line is running along the common village boundary Jadunathpur and Kandhal (R.F.).

LINE-G-H: Point G is situated over the Tri-Junction pillar of village-Jadunathpur, Kandhal and Kandhal (R.F.). GH line is running along the village boundary of Kandhal and Kandhal (R.F.) upto plot Numbers 80 of village-Kandhal.

LINE-H-I : Point H is situated over the plot number 80 of village-Kandhal. HI line is running along the Kandhal (R.F.) to nearer of North-West Kandhal village boundary.

LINE-I-J : IJ point is running North to south along with east side of village-Kandhal (R.F.).

LINE-J-K: JK line is running along with Kandhal (R.F.) to west side of Kandhal village boundary.

LINE-K-L: K point is situated over the plot Number 1147 of village-Kandhal panchayat road and the KL line running along common boundary of village-Kandhal and Kandhal (R.F.).

LINE-L-M: L point is situated over the Tri-junction pillar of Kandhal, Kandhal (R.F.) and Sarakishorepal. LM line is running along the village-Kandhal and Sarakishorepal.

LINE-M-N: M point is situated over the Tri-junction pillar of Kandhal, Kandhal (R.F.) and Sarakishorepal. MN line is running the village boundary village Kandhal and Kandhal (R.F.).

LINE-N-O : 'N' point is situated over the Tri-junction pillar of village-Dullavpur, Kandhal and Kandhal (R.F.). 'NO' line running along the common village boundary of village- Kandhal and Dullavpur.

LINE-O-P: O point is situated over the Tri-junction pillar of village-Kandhal, Dullavpur and Anandapur. OP line running along the common village boundary of Anandapur and Dullavpur.

LINE-P-Q; P point is situated over the Tri-junction pillar of village-Anandapur, Dullavpur and Balunga-Khamar. PQ line is running along the common village boundary of Dullavpur and Balunga-Khamar.

LINE-Q-R: Q point is situated over the Tri-junction pillar of village Dullavpur, Doblin and Balunga-Khamar. QR line is running along the common village boundary of Doblin and Balunga-Khamar.

LINE-R-S: R point is situated over the Tri-junction pillar of village-Balunga-Khamar, Doblin and Ekadasipur. RS line is running along the common village boundary of village Balunga Khamar and Ekadasipur.

LINE-S-T; S point is situated over the Tri-junction pillar of village-Balunga-Khamar, Ekadasipur and Talabeda. ST line is running along the common village boundary of village Talabeda and Ekadasipur.

LINE-T-U : T point is situated over the Tri-junction pillar of village- Talabeda, Ekadasipur and Rasalapur. TU line is running along the common village boundary of Rasalapur and Talabeda.

LINE-U-V: U point is situated over the Tri-junction pillar of village Rasalapur, Banamalipur and Talabeda. UV line running along the common village boundary of Talabeda and Banamalipur.

LINE-V-W: V point is situated over the Tri-junction pillar of village-Banamalipur, Dasarathipur and Talabeda. VW line is running along the common village boundary of Talabeda and Dasarathipur.

LINE-W-X: W point is situated over the Tri-junction pillar of village-Talabeda, Dasarathipur and Acharyanali. WX line is running along the common village boundary of Talabeda and Acharyanali.

LINE-X-Y: X point is situated over the Tri-junction pillar of village Talabeda, Acharyanali and Dadar. XY line running along the common village boundary of Talabeda and Dadar.

LINE-Y-Z: Y point is situated over the Tri-junction pillar of village Dadar, Malipada and Talabeda. YZ line is running along the common village boundary of Malipada and Talabeda.

LINE-Z-Z1: Z point is situated over the Tri-junction pillar of village Manikagoda, Malipada and Talabeda. ZZ1 line is running along the common village boundary of Manikagoda and Talabeda.

LINE-Z1-Z2: Z1 point is situated over the Tri-junction pillar of village Manikagoda, Talabeda and Gengutia. Z1Z2 line is running along the common village boundary of Gengutia and Talabeda.

LINE-Z2-Z3: Z2 point is situated over the Tri-junction pillar of village-Balunga-Khamar, Talabeda and Gengutia. Z2Z3 line is running along the common village boundary of Talabeda and Balunga-Khamar.

LINE-Z3-Z4: Z3 point is situated over the plot number 159 of village-Talabeda and plot number 218 of village-Balunga-Khamar. Z3Z4 line is running along the plot numbers 218, 464, 214, 205, 406, 226, 509, 230, 231, 229, 408, 365, 360, 359, 200, 201, 211, 28, 27, 24 and 25 of village-Balunga-Khamar.

LINE-Z4-Z5: Z4 point is situated over the plot Numbers 20, 24 of village-Balunga-Khamar. Z4 Z5 line is running along the plot Numbers 25, 352, 695, 669 of village Balunga-Khamar.

LINE-Z5-Z6: Z5 point is situated over the plot numbers 669 of village-Balunga-Khamar and plot numbers 124 of village-Madanmohanpur. Z5Z6 line is running over the plot numbers 124, 127, 195, 586, 192, 193, 107, 205, 204, 203, 216, 229, 265, 262, 260, 271, 579, 326, 323, 327, 328, 590, 261, 267, 226, 228, 217, 219, 218, 202, 201, 199 and 198 of village-Madanmohanpur.

LINE-Z6-Z7: Z6 point is situated over the plot numbers 327, 326 of village Madanmohanpur and plot numbers 2249, 2250 of village-Kandhal. Z6Z7 line is running over the plot Numbers 2250, 2251, 2252, 2245, 2244, 2229, 2223, 2208, 2278, 2207, 2276, 2225 and 2252 of village Kandhal.

LINE-Z7-Z8: Z7 point is situated over the plot numbers 2749, 2207 of village Kandhal and plot numbers 122 of village-Anadipur. Z7Z8 line is running over the plot numbers 122, 206, 123, 124, 125, 126, 127, 128, 117, 118, 119, 221, 195, 218, 217, 88, 45, 40, 39, 38, 166 and 155 of village- Anadipur.

LINE-Z8-Z9: Z8 point is situated over the plot numbers 302 of village-Kandhal and plot Numbers 45 of village-Anadipur. Z8Z9 line is running over the plot Numbers 302, 304, 305, 303, 301, 286, 284, 285, 273, 274, 271, 270, 2411 of village-Kandhal.

LINE-Z9-A: Z9 point is situated over the plot number 2411 of village-Kandhal and plot number 165 of village-Jadunathpur. Z9A line is running over the plot numbers 2411 of village-Kandhal and 165 of village-Jadunathpur connected to line point A.

[F. No. 43015/3/2019-LAIR]

RAM SHIROMANI SAROJ, Dy. Secy.

नई दिल्ली, 29 मार्च, 2019

का.आ. 497.- केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) के अधीन जारी, भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) में प्रकाशित का.आ. संख्यांक 1360(अ), तारीख 7 अप्रैल, 2016, भारत सरकार के कोयला मंत्रालय में 8 अप्रैल, 2016 को प्रकाशित अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका माप 2072.97 हेक्टर (लगभग) या 5122.41 एकड़ (लगभग) है, कोयले का पूर्वक्षण करने के अपने आशय की सूचना दी थी। इसके पश्चात भारत सरकार के कोयला मंत्रालय की अधिसूचना का.आ. संख्यांक 1135(अ), तारीख 13 मार्च, 2018 के द्वारा भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii) में तारीख 14 मार्च, 2018 को प्रकाशित, उपरोक्त अधिसूचना की समयावधि तारीख 7 अप्रैल, 2018 से एक वर्ष की और अवधि को विनिर्दिष्ट करती है ;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि इस अधिसूचना से संलग्न अनुसूची में वर्णित उक्त भूमि के भाग में कोयला अभिप्राप्य है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियमकी धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 2070.043 हेक्टर (लगभग) या 5115.07 एकड़ (लगभग) माप की भूमि में या उस पर के सभी अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1: इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्यांक एनटीपीसी/एमएएन-बी/सेक्शन-7(1), तारीख 9 मार्च, 2019 का निरीक्षण महाप्रबंधक, एनटीपीसी लिमिटेड, मन्दाकिनी – बी, कोयला खनन परियोजना, ईडीसी बिल्डिंग, डाकघर दीपशिखा, जिला - अंगुल, ओडिशा-759147 के कार्यालय में या मुख्य महाप्रबंधक (खोज प्रभाग), सेंट्रल माईन प्लानिंग और डिजाईन इंस्टीट्यूट लिमिटेड, गोंडवाना, प्लेस, काके रोड, राँची – 834031, झारखण्ड के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में या जिला कलेक्टर, जिला -अंगुल, ओडिशा के कार्यालय में या महाप्रबंधक (कोयला खनन), एनटीपीसी भवन, स्कोप काम्प्लेक्स, 7, इंस्टीट्यूशनल एरिया, लोधी रोड, नई दिल्ली- 110003 के कार्यालय में किया जा सकता है।

टिप्पण 2: उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें अर्जन के संबंध में आपत्तियां, निम्नलिखित उपबंध है:-

“8.(1) कोई व्यक्ति जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण.—इस धारा के अंतर्गत यह आपत्ति नहीं माना जाएगा कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएँ करना चाहता है और ऐसी संक्रियाएँ केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप-धारा (1) के अधीन प्रत्येक ने आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसे सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जाँच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता, यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।”

टिप्पण 3: केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700001 को उक्त अधिनियम की धारा 3 के अधीन, भारत के राजपत्र, भाग II, खण्ड 3, उप-खण्ड (ii), तारीख 9 सितम्बर, 2006 में प्रकाशित अधिसूचना संख्या का.आ 3629, तारीख 4 सितम्बर, 2006, और इसके पश्चात् संशोधित अधिसूचना, जो भारत के राजपत्र, भाग II, खण्ड 3, उप-खण्ड (ii), तारीख 18 अगस्त, 2007 में प्रकाशित अधिसूचना संख्या का.आ 2307, तारीख 8 अगस्त, 2007, द्वारा सक्षम प्राधिकारी नियुक्त किया गया है।

अनुसूची

मंदाकिनी-बी कोयला खनन परियोजना

जिला अंगुल, ओडिशा

(रेखांक संख्या एनटीपीसी/एमएएन-बी/सेक्शन-7(1), तारीख 09 मार्च, 2019)

सभी अधिकार:

(क) राजस्व भूमि का क्षेत्र विवरण:

क्रम सं.	मौजा/ग्राम	थाना	थाना संख्या	जिला का नाम	क्षेत्र एकड़ में (लगभग)	क्षेत्र हेक्टेयर में (लगभग)	टिप्पणियां
1.	चांगुडिया	छेंदीपदा	64	अंगुल	892.53	361.203	भाग
2.	संतराबंध	छेंदीपदा	106	अंगुल	750.35	303.662	भाग
3.	सुनारीपाल	छेंदीपदा	65	अंगुल	47.91	19.390	भाग
4.	टाकुआ	छेंदीपदा	109	अंगुल	25.95	10.503	भाग
5.	बईंडा	कनिहाँ	82	अंगुल	11.14	4.509	भाग
6.	बालीपाटा	कनिहाँ	71	अंगुल	161.20	65.237	भाग
7.	चांगुडिया	कनिहाँ	73	अंगुल	367.21	148.609	भाग
8.	देवीपटनापुर	कनिहाँ	76	अंगुल	86.07	34.832	भाग
9.	काकुडिया	कनिहाँ	72	अंगुल	1079.90	437.028	भाग
10.	कल्याणपुर	कनिहाँ	77	अंगुल	11.69	4.732	भाग
11.	सानबीरबरपुर	कनिहाँ	75	अंगुल	28.39	11.491	पूर्ण
12.	सांतराबंध	कनिहाँ	74	अंगुल	369.44	149.512	भाग
कुल :					3831.78	1550.708	

(ख) वन भूमि का क्षेत्र विवरण:

क्रम सं.	मौजा/ग्राम	थाना	थाना संख्या	जिला का नाम	क्षेत्र एकड़ में (लगभग)	क्षेत्र हेक्टेयर में (लगभग)	टिप्पणियां
1.	चांगुडिया	छेंदीपदा	64	अंगुल	248.65	100.627	भाग
2.	संतराबंध	छेंदीपदा	106	अंगुल	8.84	3.578	भाग
3.	सुनारीपाल	छेंदीपदा	65	अंगुल	80.41	32.542	भाग
4.	टाकुआ	छेंदीपदा	109	अंगुल	58.50	23.671	भाग
5.	बईंडा	कनिहाँ	82	अंगुल	शून्य	शून्य	शून्य
6.	बालीपाटा	कनिहाँ	71	अंगुल	36.90	14.934	भाग
7.	चांगुडिया	कनिहाँ	73	अंगुल	19.36	7.835	भाग
8.	देवीपटनापुर	कनिहाँ	76	अंगुल	12.88	5.211	भाग
9.	काकुडिया	कनिहाँ	72	अंगुल	181.11	73.296	भाग
10.	कल्याणपुर	कनिहाँ	77	अंगुल	77.69	31.439	भाग
11.	सानबीरबरपुर	कनिहाँ	75	अंगुल	1.15	0.465	पूर्ण
12.	सांतराबंध	कनिहाँ	74	अंगुल	557.80	225.737	भाग
कुल :					1283.29	519.335	

कुल राजस्व भूमि : 1550.708 हेक्टर (लगभग) = 3831.78 एकड़ (लगभग)

कुल वन भूमि : 519.335 हेक्टर (लगभग) = 1283.29 एकड़ (लगभग)

सकल योग (क+ख) : 2070.043 हेक्टर (लगभग) = 5115.07 एकड़ (लगभग)

अर्जित किए जाने वाले राजस्व प्लेटों की सूची:**1. चांगुडिया:**

317(भाग), 319(भाग), 320(भाग), 327(भाग), 328(भाग), 329, 330(भाग), 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 343, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 375, 376, 377, 378, 379, 380, 381, 383, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 409(भाग), 410, 411, 412, 413, 414, 415, 417, 418, 419, 420, 421, 422(भाग), 423(भाग), 424, 425, 426(भाग), 427(भाग), 428(भाग), 430(भाग), 431(भाग), 433, 434, 435, 436, 437, 438, 439(भाग), 440, 441(भाग), 442(भाग), 443(भाग), 489(भाग), 491(भाग), 492(भाग), 493(भाग), 494(भाग), 495(भाग), 496(भाग), 497(भाग), 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517(भाग), 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 548, 549, 550, 557, 558, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 654, 655, 657, 658, 659, 660, 661, 662, 663, 665, 666, 667, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 701, 702, 706, 707, 708, 709, 710, 711, 712, 713, 727, 729, 730, 731, 732, 733, 734, 740, 741, 742, 744, 745, 746, 747, 748, 749, 753(भाग), 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 766, 767, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 831, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 848, 849, 850, 851, 852, 853, 854, 857, 858, 859, 860, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 874, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 900, 901, 902, 908, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1037, 1038, 1039, 1040, 1041, 1043, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1063, 1064, 1068, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1114, 1117, 1118, 1119, 1120, 1127, 1128, 1129, 1138, 1139, 1140, 1141, 1144, 1145, 1146, 1147, 1148, 1149, 1151, 1152, 1153, 1154,

1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1172,
1173, 1174, 1175, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1185, 1186, 1187, 1188, 1189,
1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1199, 1200, 1201, 1202, 1203, 1204, 1205,
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1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347,
1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356(भाग), 1379(भाग), 1383(भाग), 1384(भाग),
1385(भाग), 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1400, 1401, 1402,
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2. संतराबंध:

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8855, 8856, 8857, 8858, 8859, 8860, 8861, 8862, 8863, 8864, 8865, 8866, 8867, 8868, 8869, 8870, 8871, 8872, 8873, 8874, 8875, 8876, 8877, 8878, 8879, 8880, 8881, 8882, 8883, 8884, 8885, 8886, 8887, 8888, 8889, 8890, 8891, 8892, 8893, 8894, 8895, 8896, 8897, 8898(भाग), 8899(भाग), 8900(भाग), 8901, 8902(भाग), 8903(भाग), 8904(भाग), 8905(भाग), 8906(भाग), 8907, 8908, 8909, 8910, 8911(भाग), 8913(भाग), 8914(भाग), 8915(भाग), 8916(भाग), 8917, 8918, 8919, 8920, 8921, 8924, 8925, 8926, 8927, 8928, 8929, 8930, 8931, 8932, 8933, 8934, 8935, 8936, 8937, 8938, 8939, 8940, 8941, 8942, 8943, 8944, 8945, 8946, 8947, 8948, 8949, 8950, 8951, 8952, 8953, 8954, 8955, 8956, 8957, 8958, 8959, 8960, 8961, 8962, 8963, 8964, 8965, 8966, 8967, 8968, 8969, 8970, 8971, 8972, 8973, 8974, 8975, 8976, 8977, 8978, 8979, 8980, 8981, 8982, 8983, 8984, 8985, 8986, 8987, 8988, 8989, 8990, 8991, 8992, 8993, 8994, 8995, 8996, 8997, 8998, 8999, 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007, 9008, 9009, 9010, 9011, 9012, 9013, 9014, 9015, 9016, 9017, 9018, 9019, 9020, 9021, 9022, 9023, 9024, 9025, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9036, 9037, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9049, 9050, 9051, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070, 9071, 9072, 9073, 9074, 9075, 9076, 9077, 9078, 9079, 9080, 9081, 9082, 9083, 9084, 9085, 9086, 9087, 9088, 9089, 9090, 9091, 9092, 9093, 9094, 9095, 9096, 9097, 9098, 9099, 9100, 9101, 9102, 9103, 9104, 9105, 9106, 9107, 9108, 9109, 9110, 9111, 9112, 9113, 9114, 9115, 9116, 9117, 9118, 9119, 9120, 9121, 9122, 9123, 9124, 9125, 9126, 9127, 9128, 9129, 9130, 9131, 9132, 9133, 9134, 9135, 9136, 9137, 9138, 9140, 9141, 9142, 9143, 9144, 9145, 9146, 9147, 9148, 9149, 9150, 9151, 9152, 9153, 9154, 9155, 9156, 9157, 9158, 9159, 9160, 9161, 9162, 9163, 9164, 9165, 9166, 9167, 9168, 9169, 9170, 9171, 9172, 9173, 9174, 9175, 9176, 9177, 9178, 9179, 9180, 9181, 9182, 9183, 9184, 9185, 9186, 9187, 9188, 9189, 9190, 9191, 9192, 9193, 9194, 9195, 9196, 9197, 9198, 9199, 9200, 9201, 9202, 9203, 9204(भाग), 9205(भाग), 9206, 9207, 9208, 9209, 9210, 9211, 9212, 9213, 9214, 9215, 9216, 9217, 9218, 9219, 9220, 9221, 9222, 9223, 9224, 9225, 9227, 9228(भाग), 9229(भाग), 9230(भाग), 9231(भाग), 9232(भाग), 9233(भाग), 9234(भाग), 9235(भाग), 9236, 9237, 9238, 9239, 9269, 9270, 9271, 9272, 9273, 9274, 9275, 9276, 9277, 9278, 9279, 9280, 9281, 9282(भाग), 9283(भाग), 9284(भाग), 9285, 9286, 9287, 9289, 9292, 9293, 9295, 9311, 9312, 9314, 9316, 9317, 9318, 9319, 9320, 9321, 9322, 9323, 9324, 9325, 9326, 9327, 9328, 9329, 9330, 9332, 9333, 9337, 9338, 9339, 9340, 9348, 9349, 9350, 9354, 9355, 9356, 9357, 9360, 9361, 9362, 9363, 9378, 9379, 9380, 9381, 9385, 9386, 9390, 9391, 9393, 9395, 9396, 9397, 9398, 9399, 9400, 9401, 9402, 9403, 9404, 9405, 9406, 9407, 9408, 9409, 9410(भाग), 9412, 9413, 9414, 9415, 9416, 9417, 9419, 9420, 9423, 9424, 9425, 9426, 9429, 9432, 9434, 9436, 9437, 9438, 9439, 9440, 9441, 9444, 9446, 9447, 9448, 9449, 9450, 9451, 9452, 9453, 9454, 9455, 9456, 9457, 9458, 9459, 9460, 9461, 9462, 9465, 9466, 9467, 9468, 9469, 9470, 9471, 9472, 9473, 9474, 9475, 9476, 9477, 9478, 9479, 9489, 9490, 9491, 9492, 9493, 9494, 9495, 9496, 9497, 9498, 9499, 9500, 9501, 9509, 9510, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9518, 9519, 9520, 9521, 9523, 9524, 9526, 9527, 9528, 9529, 9530, 9535, 9539, 9543, 9547, 9549, 9550, 9551, 9552, 9553, 9554, 9555, 9556, 9563, 9564, 9565, 9566, 9569, 9570, 9571, 9578, 9580, 9583, 9589, 9599, 9600, 9601, 9602, 9605, 9606, 9616, 9617,

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3. सुनारीपाल:

1(भाग), 5, 6, 7, 17, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 58(भाग), 59, 62, 64, 65(भाग), 66, 67(भाग), 71, 73(भाग), 74, 75, 76, 77, 78, 79, 80, 85, 90, 92, 93, 94, 95, 97, 98, 99, 100, 102, 104, 110, 111, 112, 113, 114, 115, 117, 118, 120, 121, 123, 124, 126, 128, 129, 130, 131, 138, 139, 140, 142, 144, 145, 149, 150, 151, 157, 158, 159, 160.

4. टाकुआ:

1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 20, 22, 23, 24, 33, 34, 35, 37, 42, 44 (भाग), 45, 46, 48, 49, 50, 51, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 69, 70, 73, 75, 76, 78, 79, 80, 81, 85, 86 (भाग), 87, 91, 92, 95, 96, 97, 98, 103, 104, 105, 116, 117 (भाग), 119, 122, 124, 127, 128, 130, 131, 132, 141, 143, 250 (भाग), 283 (भाग), 284 (भाग), 3066 (भाग), 3070, 3071, 3101, 3102, 3103, 3104, 3105 (भाग), 3106 (भाग), 3107, 3108, 3109, 3110, 3111, 3113 (भाग), 3114 (भाग), 3115, 3116, 3117, 3118, 3119, 3120, 3122, 3123, 3124 (भाग), 3125, 3127, 3128, 3129, 3130, 3152, 3153, 3154 (भाग), 3155, 3156, 3157, 3158, 3159, 3160 (भाग), 3161 (भाग), 3162 (भाग), 3167 (भाग), 3168, 3169, 3170 (भाग), 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3188 (भाग), 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201 (भाग), 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235 (भाग), 3237, 3238, 3239, 3240, 3241, 3242 (भाग), 3243, 3244, 3247, 3248 (भाग), 3249, 3250, 3251, 3252, 3253 (भाग), 3254 (भाग), 3255 (भाग), 3256 (भाग), 3257 (भाग), 3263, 3304, 3305, 3380, 3381, 3384, 3390, 3394, 3425.

5. बेंडंडा:

14(भाग), 15(भाग), 16(भाग), 17, 18, 19(भाग), 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30(भाग), 2591, 2592, 2641(भाग), 2782(भाग), 2783(भाग), 2811(भाग).

6. बालीपाटा:

3(भाग), 4(भाग), 5(भाग), 8(भाग), 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20(भाग), 21(भाग), 22(भाग), 23, 24(भाग), 25, 26, 27, 28(भाग), 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,

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949(भाग), 950, 951(भाग), 959(भाग), 960(भाग), 961, 962, 963, 964(भाग), 965, 966, 967, 968(भाग), 969(भाग), 970, 971, 972, 973, 974, 975, 976, 977, 978(भाग), 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 991, 992, 993, 994, 995, 996, 997, 998, 999(भाग), 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019(भाग), 1021, 1022, 1023, 1024, 1025, 1026(भाग), 1028(भाग), 1029(भाग), 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1048, 1049(भाग), 1050, 1051, 1052, 1053, 1054, 1055, 1056(भाग), 1057, 1058, 1063, 1064, 1065, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1086, 1087, 1088, 1089, 1090(भाग), 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105(भाग), 1106, 1107, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144(भाग), 1146, 1148, 1149, 1151, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1206, 1207, 1208, 1209, 1227, 1230, 1232, 1233, 1235, 1236, 1237.

7. चांगुडिया:

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7575, 7576, 7577, 7578, 7579, 7580, 7581, 7582, 7583, 7585, 7586, 7593, 7594, 7596, 7598, 7600, 7600, 7601, 7602, 7603, 7604, 7605, 7606, 7607, 7608, 7609, 7609, 7610, 7611, 7612, 7613, 7614, 7615, 7616, 7617, 7618, 7619, 7620, 7621, 7622, 7623, 7624, 7625, 7626, 7627, 7628, 7629, 7630, 7631, 7632, 7633, 7634, 7635, 7636, 7637, 7638, 7639, 7640, 7641, 7642, 7643, 7643, 7644, 7645, 7646, 7647, 7648, 7649, 7650, 7651, 7652, 7653, 7654, 7655, 7656, 7657, 7658, 7659, 7660, 7661, 7662, 7663, 7664, 7665, 7667, 7668, 7670, 7671, 7672, 7674, 7675, 7676, 7677, 7678, 7679, 7680, 7681, 7682, 7683, 7683, 7684, 7685, 7687, 7688, 7689, 7691, 7692, 7693, 7694, 7695, 7696, 7697, 7698, 7699, 7700, 7702, 7703, 7705, 7706, 7707, 7708, 7709, 7710, 7711, 7712, 7713, 7714, 7715, 7716, 7717, 7718, 7719, 7720, 7721, 7722, 7724, 7725, 7726, 7727, 7728, 7729, 7730, 7731, 7732, 7734, 7735, 7736, 7737, 7738, 7739, 7740, 7741, 7742, 7743, 7744, 7745, 7746, 7747, 7748, 7749, 7750, 7751, 7752, 7753, 7754, 7756, 7757, 7758, 7759, 7760, 7761, 7762, 7763, 7764, 7765, 7766, 7767, 7768, 7769, 7770, 7771, 7772, 7773, 7774, 7775, 7776, 7777, 7778, 7780, 7781, 7782, 7783, 7784, 7785, 7786, 7787, 7788, 7789, 7790, 7791, 7793, 7794, 7795, 7796, 7797, 7798, 7799, 7800, 7801, 7802, 7803, 7805, 7806, 7807, 7808, 7809, 7810, 7811, 7812, 7813, 7814, 7815, 7817, 7818, 7819, 7820, 7821, 7822, 7824, 7825, 7826, 7827, 7828, 7829, 7830, 7834, 7840, 7841, 7842, 7844, 7845, 7846, 7847, 7848, 7849, 7850, 7851, 7852, 7853, 7854, 7855, 7858, 7859, 7860, 7861, 7862, 7863, 7864, 7865, 7866, 7867, 7868, 7869, 7870, 7871, 7872, 7873, 7874, 7875, 7876, 7877, 7878, 7879, 7880, 7881.

10. कल्याणपुर:

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73(भाग), 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90(भाग), 91(भाग), 92(भाग), 93, 94, 95, 96, 97, 98, 99, 100, 101(भाग), 105(भाग), 106, 107(भाग), 321, 322, 325, 327, 328, 329, 331, 335, 336, 337, 338, 339, 346(भाग), 351, 352, 353, 359, 360(भाग), 365(भाग), 369(भाग), 370, 371, 373, 376, 378, 380, 381, 382, 385, 386, 411, 412, 413, 414, 415, 416, 417.

11. सानबीरबरपुर:

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60.

12. सांतराबंघ:

66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 89, 90, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196,

197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956,

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976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994,
995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010,
1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025,
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1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102,
1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117,
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1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177,
1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192,
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1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267,
1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282,
1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297,
1298, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313,
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1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403,
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1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1510,
1511, 1512, 1513, 1514, 1515, 1516, 1517, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526,
1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1539, 1540, 1541, 1542,
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1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1605, 1606, 1607, 1608(भाग), 1609, 1612(भाग), 1613, 1614, 1615, 1617, 1618, 1619, 1621, 1622, 1623, 1624, 1625, 1626, 1628, 1629, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1746, 1775, 1776(भाग), 1777, 1782, 1783, 1784, 1785, 1792, 1793, 1794, 1796, 1797, 1799, 1800, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1812, 1814, 1815, 1816, 1817, 1818, 1820, 1821, 1822, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1852, 1853, 1854, 1855, 1857, 1859, 1860, 1866, 1870, 1873, 1880, 1881, 1883, 1884, 1885, 1886, 1887, 1888, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1911, 1920, 1921, 1924, 1927, 1928, 1929, 1933, 1941, 1942, 1944, 1948, 1949, 1950, 1951, 1952, 1954, 1958, 1965, 1967, 1969, 1978, 1993, 1994, 1996, 1998, 1999, 2000, 2001, 2004, 2006, 2008, 2008, 2009, 2010, 2013, 2017, 2019, 2020, 2022, 2023, 2024, 2026, 2033, 2036, 2037, 2038, 2039, 2040, 2043, 2045, 2046, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2060, 2061, 2063, 2063, 2064, 2067, 2068, 2069, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2085, 2089, 2093, 2094, 2096, 2097, 2098, 2100, 2101, 2102.

अर्जित किए जाने वाले वन प्लॉटों की सूची:

1. चांगुडिया:

315(भाग), 316(भाग), 341, 342, 344, 345, 371, 372, 373, 374, 382, 384, 400, 401, 402(भाग), 408(भाग), 416, 432, 486(भाग), 488(भाग), 490(भाग), 547, 551, 552, 553, 554, 555, 556, 559, 560, 561, 611(भाग), 653, 656, 664, 668, 696, 697, 698, 699, 700, 703, 704, 705, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 728, 735, 736, 737, 738, 739, 743, 750, 751, 752, 765, 768, 769, 804, 830, 832, 833, 834, 835, 847, 855, 856, 861, 872, 873, 875, 893, 894, 895, 896, 897, 898, 899, 903, 904, 905, 906, 907, 909, 928, 929, 930(भाग), 931, 962, 963, 964, 986(भाग), 1035, 1036, 1042, 1044, 1045, 1046, 1061, 1062, 1065, 1066, 1067, 1069, 1108, 1109, 1110, 1111, 1112, 1113, 1115, 1116, 1121, 1122, 1123, 1124, 1125, 1126, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1142, 1143, 1150, 1169, 1170, 1171, 1176, 1184, 1198, 1224, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1246, 1248, 1249, 1250, 1251, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1261, 1272, 1273, 1310, 1311, 1312, 1313, 1314, 1397, 1398, 1399, 1415, 1417, 1418, 1420, 1421(भाग), 1422(भाग), 1426(भाग), 1427(भाग), 1445(भाग), 1452(भाग), 1453(भाग), 1454(भाग), 1455, 1456, 1457, 1737, 1738, 1743, 1744, 1745, 1748, 1752, 1756, 2364, 2365, 2366, 2367, 2368, 2418, 2419, 2422, 2423, 2425, 2455, 2459, 2460, 2461, 2468, 2469, 2470, 2471, 2476, 2477, 2478, 2479, 2480, 2481, 2530, 2531, 2532, 2536, 2551, 2552, 2553, 2554, 2558, 2561, 2562, 2563, 2570, 2571, 2581, 2582, 2583, 2603, 2620, 2628, 2629, 2643, 2648, 2649, 2663, 2693, 2751(भाग), 2752,

2753, 2756(भाग), 2757, 2802(भाग), 2805, 2806, 2807, 2808, 2809, 2810, 2813, 2814, 2827, 2828, 2829, 2830, 2831, 2850, 2851, 2852, 2853, 2854, 2855, 2857, 2858, 2859, 2860(भाग), 2911(भाग), 2921, 2922, 2923, 2924, 2925, 2926, 2939, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2962, 2973, 2989, 2993, 2994, 2995, 2996, 2999, 3002, 3016, 3017, 3018, 3019, 3020, 3021, 3024, 3046, 3047, 3059, 3060, 3061, 3062, 3071, 3074, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3092, 3094, 3177, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3316, 3341, 3343, 3344, 3346, 3375, 3377, 3378, 3380, 3381, 3399, 3400, 3406, 3521, 4164, 5128, 5129, 5130, 5148, 5149, 5150, 5151, 5202, 5222, 5264, 5265, 5266, 5267, 5291, 5292, 5478, 5487, 5499.

2. संतराबंध:

1340, 1343, 1344, 1345, 6752, 6753, 6754, 8662, 9139, 9226.

3. सुनारीपाल:

2(भाग), 3(भाग), 4, 8(भाग), 9(भाग), 10(भाग), 11(भाग), 12(भाग), 13(भाग), 14, 15, 16, 18, 21, 32, 50, 52(भाग), 53(भाग), 54, 55(भाग), 56(भाग), 57(भाग), 60, 61, 63, 68(भाग), 69, 70, 72(भाग), 74, 81, 82, 83, 84, 86, 87, 88, 89, 91, 96, 101, 103, 105, 106, 107, 108, 109, 116, 119, 122, 125, 127, 132.

4. टाकुआ:

5, 16, 17, 19, 21, 25, 26, 27, 28, 29, 30, 31, 32, 36, 38, 39, 40, 41 (भाग), 43, 47, 52, 53, 54, 58, 67, 68, 71, 72, 74, 77, 82, 83, 84, 88, 89, 90, 93, 94, 99, 100, 101, 102, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 118, 120, 121, 123, 125, 126, 129, 133, 134, 135, 136, 137, 138, 139, 140, 248 (भाग), 249 (भाग), 251 (भाग), 252, 256, 257, 260 (भाग), 3069, 3112 (भाग), 3126, 3219, 3220.

5. ब्रैडंडा:

शून्य.

6. बालीपाटा:

411, 421, 555, 688(भाग), 780, 979, 990(भाग), 1000(भाग), 1066.

7. चांगुडिया:

61, 64, 68, 72, 73, 106, 110, 145, 146, 147, 151, 168, 176, 177, 179, 181, 196, 202, 216, 233, 234, 273(भाग), 320, 322, 326, 332, 333, 342, 344, 347, 355, 357, 359, 386, 388, 389, 393, 400, 402, 403, 404, 405, 583, 587, 743, 756, 992, 1294, 1488, 1646, 1647, 1650, 1651, 1669, 2082, 2085, 2086, 2089, 2090, 2091, 2259, 2260, 2644, 2645, 2646, 2647, 2648, 2649, 2668, 2749, 3060, 3061, 3063, 3065, 3066, 3067, 3071, 3080, 3083, 3085, 3087, 3088, 3089, 3091, 3092, 3093, 3094, 3095, 3097, 3112, 3114, 3118, 3153, 3154, 3157, 3161, 3168, 3171, 3172, 3173, 3174, 3179, 3180, 3181, 3186, 3199, 3200, 3201, 3207(भाग), 3208, 3212, 3213, 3215, 3219, 3220, 3225, 3226, 3227, 3228, 3238, 3244, 3249.

8. देवीपटनापुर:

1(भाग).

9. काकुड़िया:

3111, 4902, 4942, 4961, 4964, 5090, 5099, 5100, 5101, 5126, 5175, 5197, 5202, 5207, 5208(भाग), 5209(भाग), 5213(भाग), 5236, 5246(भाग), 5478(भाग), 6637(भाग), 6663, 7122.

10. कल्याणपुर:

1, 15(भाग), 60(भाग), 74(भाग), 78(भाग), 330, 363(भाग), 364(भाग).

11. सानबीरबरपुर:

55.

12. सांतराबंध:

1(भाग), 65(भाग), 79, 83, 86, 91, 1056, 1056, 1057, 1299, 1412, 1509, 1518, 1538, 1596, 1747, 1798.

सीमा विवरण:

- (1) रेखा ग-ग1: रेखा, कल्याणपुर गाँव के मध्य भाग में बिंदु 'ग' से शुरू होती है और कल्याणपुर और काकुड़िया की गाँव सीमा के पास पश्चिम दिशा में जाकर बिंदु 'ग1' पर समाप्त होती है।
- (2) रेखा ग1-घ: रेखा, कल्याणपुर और काकुड़िया गाँव की सीमा पर बिंदु 'ग1' से शुरू होती है, जो पश्चिम दिशा में चलकर काकुड़िया गाँव के मध्य भाग में बिंदु 'घ' पर समाप्त होती है।
- (3) रेखा घ-ड. : रेखा, काकुड़िया गाँव के मध्य भाग में बिंदु 'घ' से शुरू होती है, जो काकुड़िया गाँव के दक्षिण दिशा की ओर होकर बिंदु 'घ1' से गुजरती हुई देवीपटनापुर और बईडा के मध्य भाग में बिंदु 'घ2' से होकर टाकुआ गाँव के मध्य भाग में बिंदु 'ड.' पर समाप्त होती है।
- (4) रेखा ड.-च : रेखा, टाकुआ गाँव के मध्य भाग से शुरू होती हुई पश्चिम दिशा की ओर होते हुए टाकुआ और संतराबंध (थाना संख्या 106) की सीमा, गाँव संतराबंध (थाना संख्या 106) के बिन्दु 'ड.1' और 'ड.2' से होते हुए गाँव संतराबंध (थाना संख्या 106) के मध्य भाग में बिंदु 'च' पर समाप्त होती है।
- (5) रेखा च.-छ: रेखा, संतराबंध (थाना संख्या 106) गाँव के मध्य भाग में बिंदु 'च' से शुरू होती है, जो उत्तर-पश्चिम दिशा में चलकर गाँव संतराबंध (थाना संख्या 74) में बिंदु 'च2' से होकर, संतराबंध आरक्षित वन के बीच बिंदु 'च3' से गुजर रही है जोकि संतराबंधा आरक्षित वन और संतराबंध (थाना संख्या 74) गाँव की सीमा पर बिंदु 'छ' पर समाप्त होती है।
- (6) रेखा छ-छ1: रेखा, संतराबंध (थाना संख्या 74) और संतराबंधा आरक्षित वन की सीमा स्थित बिंदु 'छ' से शुरू होते हुए उत्तर-पूर्व दिशा में संतराबंध (थाना संख्या 74) और गाँव सुनारीपाल की सीमा से होती हुई गाँव सुनारीपाल में बिंदु 'छ1' पर समाप्त होती है।
- (7) रेखा छ1-छ5: रेखा, गाँव सुनारीपाल में बिंदु 'छ1' से शुरू होती है, गाँव सुनारीपाल में बिंदु छ2, छ3, छ4 से गुजरते हुए उत्तर-उत्तर-पश्चिम दिशा में चल रही है और गाँव सुनारीपाल के मध्य बिंदु 'छ5' में समाप्त होती है।
- (8) रेखा छ5-छ13: रेखा, गाँव सुनारीपाल के बीच में बिंदु 'छ5' से शुरू होती है, जो उत्तर-पूर्व दिशा की ओर चलते हुए गाँव सुनारीपाल के बिंदु छ6 से छ12 (सतत) गुजरती हुई सुनारीपाल और चांगुड़िया की गाँव (थाना संख्या 64) की सीमा स्थित बिंदु 'छ13' पर समाप्त होती है।

- (9) रेखा छ13- क: रेखा, सुनारीपाल और चांगुड़िया (थाना संख्या 64) की ग्राम सीमा पर बिंदु 'छ13' से शुरू होती हुई ओलहानी नदी के किनारे बिंदु छ14 से छ53 (सतत) को होते हुए उत्तर-उत्तर-पूर्वी दिशा में गुजरती हुई ओलहानी नदी और चांगुड़िया (थाना संख्या 64) गांव के बिंदु 'क' पर समाप्त होती है।
- (10) रेखा क – ख: रेखा, ओलहानी नदी और चांगुड़िया गांव (थाना संख्या 64) के बिंदु 'क' से शुरू होती है, जो पूर्व-दक्षिण-पूर्वी दिशा में होते हुए चांगुड़िया (थाना संख्या 64) और चांगुड़िया (थाना संख्या 73) गांव की ग्राम सीमा (भाग), चांगुड़िया (थाना संख्या 73) गांव और काकुड़िया की ग्राम सीमा (भाग) से होकर गांव बालीपाटा के मध्य बिंदु 'ख' पर समाप्त होती है।
- (11) रेखा ख-ग: रेखा, बालीपाटा गाँव के मध्य भाग में बिंदु 'ख' से शुरू होती है, जो बालीपाटा और कल्याणपुर की गाँव की सीमा (भाग) से होकर गुजरती है और कल्याणपुर गाँव के मध्य भाग में बिंदु 'ग' पर समाप्त होती है।

[फा.सं. 43015/5/2016-एलए एण्ड आईआर]

राम शिरोमणि सरोज, उप सचिव

New Delhi, the 29th March, 2019

S.O. 497.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1360(E), dated the 7th April, 2016, issued under sub-section(1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), and published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii), dated the 8th April, 2016, the Central Government gave notice of its intention to prospect for coal in 2072.97 hectares (approximately) or 5122.41 acres (approximately), of the lands in the locality specified in the Schedule annexed to that notification and the said notice was extended for a further period of one year commencing from the 7th April, 2018, vide notification number 1135(E), dated the 13th March, 2018, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 14th March, 2018;

And whereas, the Central Government is satisfied that coal is obtainable in a part of the said lands described in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, 1957, the Central Government hereby gives notice of its intention to acquire the land measuring 2070.043 hectares (approximately) or 5115.07 acres (approximately) and all rights in or over the said lands described in the Schedule appended hereto.

Note 1: The plan bearing number NTPC/MAN-B/Sec-7(1), dated the 9th March, 2019 of the area covered by this notification can be inspected in the office of the General Manager, NTPC Limited, Mandakini-B Coal Mining Project, EDC Building, P.O. Deepshikha, District Angul -759147, Odisha or at the office of the Chief General Manager (Exploration Division), Central Mine Planning and Design Institute Limited, Gondwana Place, Kanke Road, Ranchi-834031, Jharkhand or at the office of the Coal Controller, 1, Council House Street, Kolkata or at the office of the District Collector, District –Angul, Odisha or at the office of the General Manager (Coal Mining), NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi-110003.

Note 2: Attention is hereby invited to the provisions of section 8 of the said Act, relating to objection to acquisition, which provides as follows:-

“8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.-It shall not be an objection within the meaning of section for any person to say that he himself desires to undertake mining operation in the land for the production of the coal and those operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section(1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such lands or of rights in or over such land, to the Central Government, containing his recommendations on the objections together with the record of proceedings held by him for the further decision of the Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled

to claim an interest in compensation if the land or any rights in or over such land acquired under this Act.”

Note 3: The Coal Controller, 1, Council House street, Kolkata-700001 has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 3629, dated the 4th September, 2006 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 9th September, 2006 and subsequent amendment vide notification number S.O. 2307, dated the 8th August, 2007 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 18th August, 2007 .

SCHEDULE

Mandakini-B Coal Mining Project

District Angul, Odisha

(Plan bearing number NTPC/MAN-B/Sec-7(1), dated the 9th March, 2019)

All Rights:

(A) REVENUE LAND AREA DETAILS:

Sl. No.	Mouja / Village	Thana	Thana number	Name of District	Area in acres (approx.)	Area in hectares (approx.)	Remarks
1.	Changuria	Chhendipada	64	Angul	892.53	361.203	Part
2.	Santrabandh	Chhendipada	106	Angul	750.35	303.662	Part
3.	Sunaripal	Chhendipada	65	Angul	47.91	19.390	Part
4.	Takua	Chhendipada	109	Angul	25.95	10.503	Part
5.	Bainda	Kanhia	82	Angul	11.14	4.509	Part
6.	Balipata	Kanhia	71	Angul	161.20	65.237	Part
7.	Changudia	Kanhia	73	Angul	367.21	148.609	Part
8.	Debipatanapur	Kanhia	76	Angul	86.07	34.832	Part
9.	Kakudia	Kanhia	72	Angul	1079.90	437.028	Part
10.	Kalyanpur	Kanhia	77	Angul	11.69	4.732	Part
11.	Sanbirabarpur	Kanhia	75	Angul	28.39	11.491	Full
12.	Santrabondh	Kanhia	74	Angul	369.44	149.512	Part
Total:					3831.78	1550.708	

(B) FOREST LAND AREA DETAILS:

Sl. No.	Mouja / Village	Thana	Thana number	Name of District	Area in acres (approx.)	Area in hectares (approx.)	Remark
1.	Changuria	Chhendipada	64	Angul	248.65	100.627	Part
2.	Santrabandh	Chhendipada	106	Angul	8.84	3.578	Part
3.	Sunaripal	Chhendipada	65	Angul	80.41	32.542	Part
4.	Takua	Chhendipada	109	Angul	58.50	23.671	Part
5.	Bainda	Kanhia	82	Angul	Nil	Nil	Nil
6.	Balipata	Kanhia	71	Angul	36.90	14.934	Part
7.	Changudia	Kanhia	73	Angul	19.36	7.835	Part
8.	Debipatanapur	Kanhia	76	Angul	12.88	5.211	Part
9.	Kakudia	Kanhia	72	Angul	181.11	73.296	Part
10.	Kalyanpur	Kanhia	77	Angul	77.69	31.439	Part
11.	Sanbirabarpur	Kanhia	75	Angul	1.15	0.465	Full
12.	Santrabondh	Kanhia	74	Angul	557.80	225.737	Part
Total					1283.29	519.335	

(A): TOTAL REVENUE LAND: 1550.708 hectares (approx.) = 3831.78 acres(approx.)

(B): TOTAL FOREST LAND : 519.335 hectares (approx.) =1283.29 acres (approx.)

GRAND TOTAL (A+B) : 2070.043 hectares (approx.) = 5115.07 acres (approx.)

LIST OF REVENUE PLOTS TO BE ACQUIRED:

1. CHANGURIA:

317(Part), 319(Part), 320(Part), 327(Part), 328(Part), 329, 330(Part), 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 343, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 375, 376, 377, 378, 379, 380, 381, 383, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 409(Part), 410, 411, 412, 413, 414, 415, 417, 418, 419, 420, 421, 422(Part), 423(Part), 424, 425, 426(Part), 427(Part), 428(Part), 430(Part), 431(Part), 433, 434, 435, 436, 437, 438, 439(Part), 440, 441(Part), 442(Part), 443(Part), 489(Part), 491(Part), 492(Part), 493(Part), 494(Part), 495(Part), 496(Part), 497(Part), 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517(Part), 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 548, 549, 550, 557, 558, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 654, 655, 657, 658, 659, 660, 661, 662, 663, 665, 666, 667, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 701, 702, 706, 707, 708, 709, 710, 711, 712, 713, 727, 729, 730, 731, 732, 733, 734, 740, 741, 742, 744, 745, 746, 747, 748, 749, 753(Part), 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 766, 767, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 831, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 848, 849, 850, 851, 852, 853, 854, 857, 858, 859, 860, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 874, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 900, 901, 902, 908, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 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5149	5150	5151	5152	5153	5154	5155	5156	5157	5158	5159	5160	5161	5162	5163	5164	5165	5166	5167
5168	5169	5170	5171	5172	5173	5174	5175	5176	5177	5178	5179	5180	5181	5182	5183	5184	5185	5186
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5225	5226	5227	5228	5229	5230	5231	5232	5233	5234	5235	5236	5237	5238	5239	5240	5241	5242(Part)	
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6. BALIPATA:

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1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	1222	1223	1224	1225	1226
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1265	1266	1267	1268	1269	1270	1271	1272	1273	1274	1275	1276	1277	1278	1279	1280	1281	1282	1283
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1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608
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8. DEBIPATANAPUR:

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10. KALYANPUR:

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73(Part), 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90(Part), 91(Part), 92(Part), 93, 94, 95, 96, 97, 98, 99, 100, 101(Part), 105(Part), 106, 107(Part), 321, 322, 325, 327, 328, 329, 331, 335, 336, 337, 338, 339, 346(Part), 351, 352, 353, 359, 360(Part), 365(Part), 369(Part), 370, 371, 373, 376, 378, 380, 381, 382, 385, 386, 411, 412, 413, 414, 415, 416, 417.

11. SANBIRBARPUR:

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12. SANTARABONDH:

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1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 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LIST OF FOREST PLOTS TO BE ACQUIRED :

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2. SANTRABANDH:

1340, 1343, 1344, 1345, 6752, 6753, 6754, 8662, 9139, 9226.

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4. TAKUA:

5, 16, 17, 19, 21, 25, 26, 27, 28, 29, 30, 31, 32, 36, 38, 39, 40, 41 (Part), 43, 47, 52, 53, 54, 58, 67, 68, 71, 72, 74, 77, 82, 83, 84, 88, 89, 90, 93, 94, 99, 100, 101, 102, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 118, 120, 121, 123, 125, 126, 129, 133, 134, 135, 136, 137, 138, 139, 140, 248 (Part), 249 (Part), 251 (Part), 252, 256, 257, 260 (Part), 3069, 3112 (Part), 3126, 3219, 3220.

5. BAINDA:

Nil.

6. BALIPATA:

411, 421, 555, 688(Part), 780, 979, 990(Part), 1000(Part), 1066.

7. CHANGUDIA:

61, 64, 68, 72, 73, 106, 110, 145, 146, 147, 151, 168, 176, 177, 179, 181, 196, 202, 216, 233, 234, 273(Part), 320, 322, 326, 332, 333, 342, 344, 347, 355, 357, 359, 386, 388, 389, 393, 400, 402, 403, 404, 405, 583, 587, 743, 756, 992, 1294, 1488, 1646, 1647, 1650, 1651, 1669, 2082, 2085, 2086, 2089, 2090, 2091, 2259, 2260, 2644, 2645, 2646, 2647, 2648, 2649, 2668, 2749, 3060, 3061, 3063, 3065, 3066, 3067, 3071, 3080, 3083, 3085, 3087, 3088, 3089, 3091, 3092, 3093, 3094, 3095, 3097, 3112, 3114, 3118, 3153, 3154, 3157, 3161, 3168, 3171, 3172, 3173, 3174, 3179, 3180, 3181, 3186, 3199, 3200, 3201, 3207(Part), 3208, 3212, 3213, 3215, 3219, 3220, 3225, 3226, 3227, 3228, 3238, 3244, 3249.

8. DEBIPATANAPUR:

1(Part).

9. KAKUDIA:

3111, 4902, 4942, 4961, 4964, 5090, 5099, 5100, 5101, 5126, 5175, 5197, 5202, 5207, 5208(Part), 5209(Part), 5213(Part), 5236, 5246(Part), 5478(Part), 6637(Part), 6663, 7122.

10. KALYANPUR:

1, 1 5(Part), 60(Part), 74(Part), 78(Part), 330, 363(Part), 364(Part).

11. SANBIRABARPUR:

55.

12. SANTARABANDHA:

1(part), 65(part), 79, 83, 86, 91, 1056, 1056, 1057, 1299, 1412, 1509, 1518, 1538, 1596, 1747, 1798.

Boundary Description:

- (1) Line C -C1: The line starts at point 'C' in the middle part of the Kalyanpur village, trending in Westerly direction and ends at point 'C1' near village boundary of Kalyanpur and Kakudia.
- (2) Line C1-D: The line starts at point 'C1' of the boundary of Kalyanpur and Kakudia village, trending in Westerly direction and ends at point 'D' in the middle part of Kakudia village.
- (3) Line D-E: The line starts at point 'D' in the middle part of the Kakudia village, trending in Southerly direction passing through the village Kakudia at point D1, Debipatanapur and middle of Baina at point D2 and ends at point 'E' in the middle part of Takua village.
- (4) Line E-F: The line starts at point 'E' in the middle part of Takua village, trending in Westerly direction passing through village boundary of Takua and Santarabandh (Thana number 106), points E1 and E2 in village Santarabandh (Thana number 106) and ends at point 'F' in the middle part of Santarabandh (Thana number 106) village.
- (5) Line F-G: The line starts at point 'F' in the middle part of the Santarabandh (Thana number 106) village, trending in North-westerly direction, passing through village Santarabandh (Thana number 74) at point F2 and point F3 in the middle of Santarabandha Reserved Forest and ends at point 'G' at the boundary of Santarabandha Reserved Forest and Santarabandh (Thana number 74) village.
- (6) Line G-G1: The line starts at point 'G' at the boundary of Santarabandha Reserved Forest and Santarabandh (Thana number 74), trending in North-easterly direction, through the village boundary of Santarabandh (Thana number 74) and Sunaripal and ends at point 'G1' in the village Sunaripal.
- (7) Line G1-G5: the line starts at point 'G1' in the village Sunaripal, trending in North-north-westerly direction passing through points G2,G3,G4 in village Sunaripal and ends at point 'G5' in the middle of village Sunaripal.
- (8) Line G5-G13: The line starts at point 'G5' in the middle of village Sunaripal, trending towards North-easterly direction, passing through points G6 to G12 (continuous) in the village Sunaripal and ends at point 'G13' at village boundary of Sunaripal and Changuria (Thana number 64).
- (9) Line G13-A: The line starts at point 'G13' at village boundary of Sunaripal and Changuria (Thana number 64), trending in North-north-easterly direction through points G14 to G53 (continuous) all along Olhãñi Nadi and ends at point 'A' of the Olhãñi Nadi and Changuria (Thana number 64) village.
- (10) Line A-B: The line starts at point 'A' of the Olhãñi Nadi and Changuria (Thana number 64) village, trending in East-south-easterly direction, passing through village boundary (part) of Changuria (Thana number 64) and Changudia (Thana number 73), village boundary (part) of Changudia (Thana number 73) and Kakudia and ends at point 'B' in the middle part of Balipata village.
- (11) Line B-C: The line starts at point 'B' in the middle part of Balipata village, trending in Southerly direction passing through village boundary (part) of Balipata and Kalyanpur and ends at point 'C' in the middle part of the Kalyanpur village.

[F.No. 43015/5/2016-LA&IR]

RAM SHIROMANI SAROJ, Dy. Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 27 मार्च, 2019

का.आ. 498.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिण पूर्व रेलवे प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 95/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.03.2019 को प्राप्त हुआ था।

[सं. एल-41012/1/1998-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENTNew Delhi, the 27th March, 2019

S.O. 498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 95/1998) of the *Cent. Govt. Indus. Tribunal-cum-Labour* Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of S. E. Railway and their workmen, received by the Central Government on 27.03.2019.

[No. L-41012/1/1998 -IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 95/1998**

Employer in relation to the management of S.E.Railway, Chakradharpur

AND**Their workman****Present:** Shri D.K. Singh, Presiding Officer.**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry- Coal

Dated : 28/02/ 2019

AWARD

By order No. L-41012/1/1998-IR(B-1) dated 15/10/1998, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the Divisional Railway Manager, S.E Rly, Chakradharpur in terminating the services of Shri Surender is justified? If not to what relief the workman is entitled?”

2. After receipt of the reference, both parties were noticed. Workman appeared for certain dates but subsequently failed to take steps. During the pendency of this case the son of the workman has informed that his father is dead and has no knowledge about this reference case, so he is not interested to contesting the case. Hence “No dispute” award is passed.

D. K. SINGH, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 499.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिण मध्य रेलवे प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 104/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.03.2019 को प्राप्त हुआ था।

[सं. एल-41012/40/2015-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 27th March, 2019

S.O. 499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 104/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour* Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of South Central Railway and their workmen, received by the Central Government on 27.03.2019.

[No. L-41012/40/2015 -IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/104/2015

Smt. Kantha Khandkar,
W/o Kaileshchandra,
26, Magan Kuti, Laxman pura,
Ratlam (MP)

...Workman

Versus

Varishtha Mandal,
Yantrik Engineer/ Diesel,
Ratlam

...Management

AWARD

Passed on this 7th day of March 2019

1. As per letter dated 12-10-2015 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D.Act, 1947 as per Notification No. L-41012/40/2015-IR(B-I). The dispute under reference relates to:

“क्या पश्चिम मध्य रेलवे मंडल कार्यालय रतलाम द्वारा श्री कैलाश चंद भूतपूर्व तकनीशियन/ डी ग्रेड I डीजल शेड, रतलाम को चिकित्सा आधार पर कार्य के अयोग्य मानते हुए दिनांक 10-1-2005 से रेल सेवा निवृत्त किये जाने के बाद सीएटी के निर्णय दिनांक 30-3-2007 द्वारा पुनः सेवा में बहाल करने का आदेश देना न्यायोचित है, जबकि रेल प्रशासन के पास चिकित्सा आधार पर सेवा निवृत्त किये गए कर्मचारी को पुनः नियुक्त करने का कोई नियम उपलब्ध नहीं है? यदि नहीं तो क्या श्री कैलाश चंद, पूर्व में दिए गए इनवैलिड पेंशन के अधिकारी है।”

2. After receiving reference, notices were issued to the parties. Ist party workman filed statement of claim.
3. IInd party management not filed Written Statement.
4. Application dated 7-3-2019 is filed on behalf of workman for withdrawal of the case. Management has no objection. The dispute between parties ceased to exist because the workman has withdrawn his claim. No award is passed in the reference and reference is disposed accordingly.
5. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 500.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 194/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.03.2019 को प्राप्त हुआ था।

[सं. एल-12012/664/98-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 27th March, 2019

S.O. 500.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 194/99) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 27.03.2019.

[No. L-12012/664/98 IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR
NO. CGIT/LC/R/194/99**

Shri Phoolchand Sonkhare,
State Bank of India Staff Congress,
5/235, Pragati,
State Bank Staff Colony,
Vikasnagar,
Jabalpur (MP)

... Workman

Versus

Branch Manager,
State bank of India,
Kamla Nehru Branch, Jabalpu (MP)

...Management

AWARDPassed on this 8th day of March 2019

1. As per letter dated 5-5-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference has been made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No. L-12012/664/98- IR(B-I). The dispute under reference relates to:

“Whether the action of the management of State Bank of India in not giving regular appointment to Shri Phool Chand Sonkhare, part time safai karmachari as per Ministry of Finance Circular No. 102/4/1/90 SCT(B) Dt. 16-4-90 is legal and justified? If not, to what relief the said workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party workman filed Statement of Claim at Page 3/1 to 3/3. The case of workman is that he was working as sweeper in IInd party employer Bank from 17-5-92 in Kamla Nehru Bank, Jabalpur. Certificates were issued appreciating his services in 1994, 95, 96. The building of Kamla Nehru Branch consists of 3500 sq ft. He was working more than 36 hours in a week as sweeper. The work is extracted from him as sweeper, waterman. He claims that he should have been paid full pay of sweeper for the work extracted from him. However, he is paid only Rs. 650/- per month. The regular sweeper is paid Rs. 3600/- per month. The act of IInd party is illegal.

3. Workman further submits that IInd party violates principles of equal pay for equal work as per Section 39(d) of the Constitution. That since 17-5-92, he is working more than 240 days during each for the calendar year. He is not appointed as permanent sweeper though the post is vacant. He prays for regularization of his services as per Circular Dated 24-1-84, 7-11-84, 18-2-97. He also submits that he is covered under Desai Award, Sastri Award and entitled to wages prescribed under those awards. On above ground, workman is praying for regularization of his services and salary as regular employee.

4. IInd party filed Written Statement at Page 8/1 to 8/6. IInd party submits that workman was engaged for 1-2 hours a day for cleaning work of the branch premises or contract rate on daily wages from August 1992 with certain breaks. He was paid wages as per contract for the work performed by him. IInd party denied that workman was continuously working for more than 240 days during any of the year.
5. IInd party submits that the workman was paid Rs.30/- per day which were increased from time to time. Minimum wages were paid to him. Workman performed job at his choice. The management of IInd party has no control over him. After performing his job, Ist party workman is free to execute other job at any other place. Person seeking employment in Bank has to go through the prescribed procedure for appointment. The employees undergoing recruitment process are entitled for appointment as regular employee. Engagement of workman was not regular neither it is according to the rules and regulations. That only Regional Manager has power to appoint sub staff. Workman was engaged by Branch Manager without having authority. That the person engaged on daily wages starts at morning and ends with end of the day. That as workman was not engaged as permanent employee, he is not entitled for regularization. That the person who is engaged purely on temporary basis on stop gap arrangement without following process is not right to be appointed permanently. If Ist party workman is regularized, it may be without proper qualification, without passing completion for appointment. Such claim cannot be allowed.
6. Also it was pleaded hat as per letter dated S/36 dated 6-7-99, workman had appeared for interview but he was not selected for regular post. Therefore workman is not entitled for regular appointment. All other adverse contentions of workman are denied. It is submitted that workman was engaged purely on daily wages without following proper procedure. Management had decided to held interview. One post of sweeper cum farrash on full wages and another post of sweeper cum farrash on 3/4th wages as per circular dated 28-6-99. The workman was sponsored by concerned branch. Though he appeared for interview he was not selected. That workman cannot claim wages of permanent sweeper Rs.3600/- per month. On such contentions IInd party denies the relief prayed by workman.
7. Workman filed rejoinder at Page 9/1 to 9/3. He had reiterated contentions in his statement of claim. He has pleaded that he was working in the branch from 10.30 AM to 3 PM. He had completed 240 days service during each of the year. Work of messenger, waterman was also extracted from him. However he was denied wages of regular employee.
8. It is to be noted here that an award dated 29-10-13 was passed by my learned predecessor in this case holding denial of regular appointment to the workman for the post of sweeper not proper and directing the employer bank to consider the claim of the workman for the post of permanent sweeper as per bipartite settlement dated 20-2-97, 27-10-88 & 9-1-99 and as well Staff Circular No. 50/19 during 3 months. Writ Petition No. 9552/14 was preferred by the employer Bank which was finally decided by judgment dated 29-9-16 whereby the single bench of Hon'ble High Court set aside the award holding it not sustainable in law with an observation that since the reference was as to whether action of management of State Bank of India in not giving regular appointment to the workman, part time safai karmachari as per Ministry of finance Circular No. 102/4/1/90-SCT(B) dated 16-4-90 (hereinafter referred as 'Circular') was legal and justified and the Tribunal considered the effect of other circulars not mentioned in reference, thus travelled beyond the reference. On application of the workman, the case again proceeded and workman filed copy of the Circular which was admitted on record and was proved as Exhibit W-2. The workman further examined himself on oath and was cross examined by employer Bank. The employer Bank produced no further evidence.
9. It is equally important to mention here that at the time of 2nd hearing, the workman amended his statement of claim and added the fact that in the light of aforesaid circular and letter of Bank dated 28-6-99, he was allowed to appear before interview board for the post of peon/ messenger but he was not selected arbitrarily whereas one Ramgopal Balmik was junior to him and was less qualified was related and was regularized. It was further stated that the name of workman was at Sl. No.10 in the merit list prepared after interview whereas the person selected stood on No.20 in the merit list. It was also alleged that the post of full time sweeper is still available with the employers on which the workman is still working but as part time employee. these facts were denied by employers in their additional Written Statement. During the first round of hearing, workman had examined himself on oath and proved copy of circular dated 20-2-1997/ minutes of the discussion between representative of Bank and workman as Exhibit W-1. The management had examined its witness in the first round of litigation and had proved documents- vouchers M- to M-6, letter of bank dated 29-5-01 issued to the workman along with a tabulation chart regarding merit list prepared on the basis of interview, letter of bank dated 6-7-99 forwarding the application of the workman for the said interview and the application (copy), notification regarding interview. All these documents and other documents referred to as and when required are admitted by workman and have marked Exhibit M-7 to M-15.
10. I have heard argument of Shri Arun Patel learned counsel for workman and Shri Ashish Shrotri learned counsel for employer Bank and have gone through the record.
11. On the perusal of record in the rival points, following points come up for determination in the case at hand:-
- (1) **Whether the workman is entitled to be considered for regular appointment as sweeper in the light of Ministry of Finance circular (supra)?**
 - (2) **Whether the denial of benefit of Circular to the workman by way of not considering his case for regular appointment in the light of said circular is legal and proper?**
 - (3) **If the answer of Point No.1 & 2 is in Affirmative, then relief to which workman is entitled?**

12. **Point for determination No. 1**

Before proceeding it will be proper to reproduce circular dated 16-4-90 which is as follows:-

Para 1-

.....

Para-2:- However keeping in view, the interests of the part time sweepers/ sweepers appointed on consolidated wages and also the functional interests of the public sector banks/ financial institutions. I am directed to convey the decision of the Government to the following procedure being followed for the purpose of properly implementing the instructions contained in the letter dated 21-11-1980.

- (a) The Banks may consider only such of the sweepers/ freshers who are on its rolls as full time employees, for appointment as peon/ messengers in terms of the procedure laid down in the letter dated 21-11-1980,
- (b) **The resultant vacancies in the grade of full time sweepers may be filled by the part time sweepers who are senior in the zone region after obtaining their willingness to move to the place where vacancy in the Grade of full time sweepers exists,**
- (c) The vacancies thus caused by the elevation of part time sweepers may be filled by the sweepers who are already working on consolidated wages in the zone/ region provided they are willing to move to the place where such part time vacancies exist.

While doing so, it may be ensured that the initial appointment of the persons in the bank has been in conformity with the recruitment rules for the post.

13. Workman filed affidavit of his evidence. In his affidavit, he has stated that he is working as sweeper in the branch from 17-5-92 continuously. His services are not regularized. That he had completed 240 days continuous service during each of the year. In his cross-examination, workman says that he was working for 2 hours in the Bank. He was engaged for cleaning floor and bathroom. He was initially paid Rs.10/- per day and Rs.90/- per day at the time his evidence was recorded. That he was called for interview. He was selected but his name was not included in considering the seniority.

14. Management's witness Shri K.P.Dubey in his evidence on affidavit has stated that worker was engaged for 1-2 hour a day for cleaning branch premises on contract rate from August 1992 with certain break. Workman never completed 240 days continuous service during any year. The workman was not working as permanent employee against sanctioned post. Workman was paid wages Rs.35/- per day. That appointment in Bank is covered by statutory rules and regulations. The persons seeking employment in Bank has to go through the employment procedure. Only such employees are entitled for regular appointment. Workman was not issued appointment order as he was not appointed against sanctioned post. He was not sponsored through Employment Exchange. In his cross-examination, management's witness says since 1992 workman is working as sweeper on daily wages for 1-2 hours in a day. No other work is extracted from him. Except for holidays and Sunday, workman was working through the year. He was initially paid Rs.10/- per day and presently paid Rs. 90/- per day. Suggestion is denied that workman was working from 10.30 PM to 4.30 PM. The service of workman are denied. That Attendance Register was not maintained in the branch. Kachha Register was maintained. His bills were not checked by other person. That for permanent appointment, application of Ist party workman was received. The proposal for regularization was submitted to the Head office.

15. That workman has produced Exhibit M-1 to M-6 which are the vouchers about payment. Document Exhibit M-7 is letter issued from Asstt. General Manager dated 29-5-2001 the tabulation chart of the candidates interviewed for permanent part time sweepers is forwarded. In document Exhibit M-14 name of Ist party workman is appearing at Sl.No.19. He was not selected. His total marks are 31. His educational qualification is shown 7th standard. Date of birth is 4-7-1969. Selected candidate at sl.No.20, his educational qualification is 5th standard, date of birth is 7-7-67, total marks is 46. Other selected candidate at Sl.No.21 Raju Balmik, educational qualification is 7th standard. Next selected candidate at sl.No.24 is Subash Devak, educational qualification is shown as 8th standard along with other details. Document Exhibit M-12 shows that qualification for sweeper/farrash candidates should be 7th pass, age limit should be 18 to 31 years for General Category. Thus candidate at Sl.No.20 Gopal Balmik selected was not fulfilling educational qualification. Those documents clearly shows that the management is not following the prescribed norms. It is appointing candidates of its choice and benefit of Bipartite Settlement dated 20-2-97 and other circulars is denied to the workman.

16. This is to be kept in mind that in the case in hand, according to the reference, the effect of the circular dated 16-4-90 is to be considered hence there is no relevance of Section 25-F of ID Act or other provision regarding retrenchment mentioned in the ID Act.

17. A bare perusal of the Circular shows that **firstly**, the full time sweepers/ farrash may be considered for appointment as peon/ messenger in terms of procedure laid down in letter dated 21-11-1980 and **thereafter**, the resultant vacancies in the grade of full time sweepers will be filled by part time sweepers who are firstly, senior in the zone region and secondly they are willing to move to a place of vacancy in the grade of full time sweepers. **Thereafter**, the vacancies caused by part time sweepers as full time sweepers may be filled by sweepers who are already working on consolidated basis in the zone/ region provided they are willing to move to the place where such part time vacancies

exists. There is another rider in the Circular that it shall be ensured that the initial appointment of person in a bank has been in conformity with the recruitment rules.

18. Now examining the case of the present workman in the light of Circular, following points are to be seen-

- (i) Whether his appointment was in conformity with the recruitment rules?
- (ii) Whether he was working as a part time sweeper with the Bank at the time when the said circular was in operation?

The Circular does not mention any specific date from which it has been made operative. Hence it will be assumed that it became operative from the date of its issue i.e. 16-4-90. Now coming on the facts of the case in hand, admitted is the fact between parties is that the workman has been working as sweeper since 1992. Parties differ on the point that according to the workman, he was on a full time basis whereas according to the employer Bank, he was employed as a casual labor for one or two hours per day for cleaning branch premises as a daily worker since 1992 on contract rate. Management has also denied that the workman ever completed 240 days duty in any year and further stated that he was paid consolidated wages which was at the rate of Rs.35/- per day which was increased time to time. The payment vouchers have been filed by the employer which has been admitted by the workman which are Exhibit M-1 to M-6 show that the payment was made to the workman on daily basis. These payment voucher relate to year 2000 & 2001 which are of different dates and different amount during this period and total 15 in number. Both the sides have supported their case in their statements on oath as stated above. Considering the oral and documentary evidence from both the sides detailed above, it comes out that the workman was not a full time sweeper and also that he was a part time sweeper engaged on daily basis but engaged regularly and was paid his wages. It has been submitted by learned counsel for workman that his case is covered under Para-2 of the Circular.

19. Learned counsel for employer has submitted that since his appointment was not in conformity with the recruitment rules, appointment/ engagement, hence his case cannot be covered as argued by learned counsel for workman. In absence of any material to show that the particular procedure was to be followed as per rules regarding engagement of part time sweepers, the argument of learned counsel for employer that the present workman was not engaged in conformity with the recruitment rules has no leg to stand and is liable to be rejected.

20. Learned counsel for workman has referred to Case **Amarkant Rai versus State of Bihar and others reported in (2015)8SCC-265** wherein it has been laid down that when night guard was appointed by the Principal of College who was not competent authority to make appointment, serving for 29 years on daily wage basis, the appointment being done out of necessity, no issue ever raised by University regarding appointment hence such appointment could only be termed irregular and can be considered for regularization.

Almost same is the facts of the case in hand. here also there is nothing to show that the appointment was irregular or illegal, workman is working as daily wages admittedly since 1992. The job still exists and is being done by workman since last 25 years or more hence in such a case, the ratio of case **State of Karnataka versus Umadevi 2006-SCC(L&S)-753** does not apply and such a case will fall within the exception called out in the precedent aforesaid.

21. Another case **Oil and Natural Gas Corporation Limited versus Petroleum Coal Labor Union and others reported in (2015)6 SCC-494** referred to by learned counsel for workman supports the case of workman in the present case on this point.

22. On the basis of above discussion, **the fact that workman has worked as part time sweeper on regular basis with the employers since 1992 is held proved and accordingly is held entitled to benefit of the circular.** Point No.1 is answered accordingly.

23. Point No.2- In the light of the findings recorded in point for determination No.1, it is held that the denial of benefit of the circular to the workman by way of not considering his case for regularization is unjust and improper. Point No.2 is answered accordingly.

24. Point No.3- In the light of findings on Point for determination No.1 & 2, it is held that the workman is entitled to be regularized in the light of circular. Point No.3 is answered accordingly.

25. In the result, award is passed as under:-

- (1) **The action of the management of State Bank of India in denying regular appointment to Shri Phool Chand Sonkhare, part time safai karmachari as per Ministry of Finance Circular No. 102/4/1/90 SCT(B) Dt. 16-4-90 is not just and proper.**
- (2) **Employer Bank is directed to regularize the workman as full time sweeper from the date of award within 30 days.**

26. Let the copies of the award be sent to the Government of India, Ministry of Labor & Employment as per rules.

Dated: 8-3-2019

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 501.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार राजस्थान मरुधरा ग्रामीण बैंक प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या 07/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.03.2019 को प्राप्त हुआ था।

[सं. एल-12011/31/90-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 27th March, 2019

S.O. 501.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 07/91) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court* Jaipur as shown in the Annexure, in the industrial dispute between the management of Rajasthan Merudhra Grmain Bank and their workmen, received by the Central Government on 27.03.2019.

[No. L-12011/31/90-IR(B-1)]

B. S. BISHT, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

पीठासीन अधिकारी : दीपचन्द्र जोशी, आर.एच.जे.एस.,

केस नंबर सी.आई.टी. 07/91

सी.आई.एस. 44/14

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल.—

12011/31/90 आई.आर. [बी. 3] केन्द्रीय सरकार, दिनांक 29.1.91

1. गणेशदास वैष्णव,
2. मोहनलाल व्यास,
3. पन्नालाल जोशी,

द्वारा अध्यक्ष, ग्रामीण बैंक एम्पलाईज यूनियन, उदयपुर (राजस्थान)

...प्रार्थी यूनियन

बनाम

अध्यक्ष, राजस्थान मरुधरा ग्रामीण बैंक, 9जी Bरोड, तुलसी टावर,
सरदारपुरा, जोधपुर।

...विपक्षी

उपस्थित :

प्रार्थी की ओर से : श्री आर.सी.जैन, योग्य प्रतिनिधि

अप्रार्थी बैंक की ओर से : श्री सुरेन्द्रसिंह योग्य प्रतिनिधि

दिनांक : 16.04.2018

अधिनिर्णय

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली से उपरोक्त आदेश के जरिये निम्न अनुसूची का विवाद अधिनिर्णय हेतु इस अधिकरण को दिनांक 04.02.1991 को प्राप्त हुआ है।

2. "Whether the action of the Management of Mewar Anchalik Gramin Bank, Udaipur in terminating the services of the following workmen from dates mentioned against their name and then not considering them for employment in/justified ? If not, to what relief the workmen are entitled to ?"

3. प्रकरण दर्ज रजिस्टर किया जाकर उभय पक्षकारान को नोटिस जारी किए गए। प्रार्थी यूनियन की ओर से केन्द्रीय श्रम विभाग द्वारा अधिनिर्णयार्थ प्रेषित अधिसूचना के संदर्भ में स्टेटमेंट ऑफ क्लेम विपक्षी राजस्थान मरुधरा ग्रामीण बैंक (पूर्व में मेवाड ग्रामीण आंचलिक बैंक) के विरुद्ध दिनांक 14.4.91 को न्यायाधिकरण के समक्ष प्रस्तुत कर अभिकथन किया गया कि विवाद से संबंधित कर्मकारों की नियुक्ति विपक्षी बैंक में निम्नानुसार की गई थी (1) श्री गणेशदास वैष्णव दिनांक 14.4.1986 (2) श्री मोहनलाल व्यास दिनांक 19.4.1989 तथा (3) श्री पन्नालाल जोशी दिनांक 1.1.1990 इन सभी व्यक्तियों को दैनिक वेतन का भुगतान किया जाता था, जबकि विपक्षी के अधीन नियोजन में समान पद पर कार्यरत व्यक्तियों को अन्य बैंकों की भौति वेतन श्रृंखला, भत्ते, लाभान्श व अन्य लाभ सेवा नियमों के व विधि के अन्तर्गत दिये जा रहे हैं। विपक्षी द्वारा सेवाओं के पूर्ण लाभ, स्थाईकरण एवं पूर्व वेतन न देने के आदेश से इन कर्मकारों को अचानक अकारण बिना आरोप के सेवा से पृथक कर दिया। इस प्रकार इन्हें सेवाओं के समान लाभ प्रदान न कर भारतीय संविधान के मूल अधिकारों व नीति निर्देशक तत्वों के विरुद्ध कार्य किया है, जिनका विवरण निम्न प्रकार है:-

नियुक्ति	सेवामुक्ति	कार्यावधि
(1) श्री गणेशदास वैष्णव दिनांक 14.4.1986	16.12.88	1 वर्ष 9 माह,
(2) श्री मोहनलाल व्यास दिनांक 19.4.1989	21.9.89	5 माह,
(3) श्री पन्नालाल जोशी दिनांक 1.1.1990	11.4.90	साढ़े तीन माह

इस प्रकार उपरोक्त तीनों कर्मकारों को बिना अनुशासनात्मक कार्यवाही के इनकी सेवा समाप्ति न्यायोचित नहीं होना बताते हुए अभिकथन किया है कि धारा-25जे.के प्रावधानों की पालन नहीं कर अवैध रूप से उपरोक्त कर्मकारों की सेवा समाप्ति की गई है। सेवा पृथक किये जाने पर एक माह का नोटिस वेतन भी नहीं दिया गया है, जो अधिनियम की धारा-25एफ. के प्रावधानों के विरुद्ध है। जिस दिन इन कर्मकारों की सेवा समाप्ति की गई उस दिन विपक्ष के यहां पद रिक्त थे तथा नई नियुक्तियां यूनियन के आक्षेप करने के बावजूद भी की गईं और इन कर्मकारों को आमंत्रित नहीं किया गया, जिसका सारा दायित्व विपक्षी पर है। विपक्षी संस्थान द्वारा अधिनियम की धारा-25एफ., 25जी., 28जी., 25एच. का उल्लंघन किया गया है। अतः विवाद से संबंधित कर्मकारों सर्व श्री गणेशदास वैष्णव, श्री मोहनलाल व्यास, श्री पन्नालाल जोशी की सेवा समाप्ति की तिथि से विरत रहने की तिथि तक वेतन व निरन्तरता सहित पुर्ननियुक्ति कराया जाने तथा समान कार्य समान वेतन के आधार पर प्रथम नियुक्ति तिथि से वेतन श्रृंखला, भत्तों व सेवा नियमों में देय लाभों सहित पिछला वेतन बढ़ी राशि, लाभ व स्थान प्रदान कराये जाने की प्रार्थना की है।

4. विपक्षी संस्थान की ओर से प्रार्थी यूनियन के स्टेटमेंट ऑफ क्लेम का जवाब प्रस्तुत कर अभिकथन किया है कि प्रार्थी यूनियन की ओर से प्रस्तुत स्टेटमेंट ऑफ क्लेम में कर्मकार श्री पन्नालाल जोशी की नियुक्ति तिथि गलत दर्शायी गयी है तथा उसे आकस्मिक कार्य के लिए दिनांक 9.1.90 को लगाया गया था और दिनांक 10.4.90 तक उसने कार्य किया। उसके पश्चात विपक्षी बैंक में श्री पन्नालाल ने कोई कार्य नहीं किया। इसी प्रकार कर्मकार श्री मोहनलाल व्यास को दिनांक 19.4.89 से दिनांक 19.9.89 तक की अवधि के लिए आकस्मिक कार्य के लिए लगाया गया था तथा दिनांक 19.9.89 के बाद उसने विपक्षी बैंक में कोई कार्य नहीं किया। कर्मकार श्री गणेशदास वैष्णव को अंशकालीन दैनिक मजदूरी पर प्रथम नियुक्ति दिनांक 14.4.1986 को दी गई थी, उसके बाद कर्मकार ने एक प्रार्थनापत्र बैंक में स्वयं को आठवीं कक्षा उत्तीर्ण होना दर्शाते हुए प्रस्तुत कर निवेदन किया कि उसे अंशकालीन संदेशवाहक के रूप में नियमित किया जावे, जिसके संबंध में विपक्षी बैंक की ओर से कर्मकार श्री गणेशदास से अपने विभिन्न पत्रों द्वारा उसकी शैक्षणिक योग्यता संबंधी प्रमाणपत्र मांगे गये तो जानकारी मिली कि कर्मकार कक्षा 9वीं में उत्तीर्ण व 10वीं कक्षा में अनुत्तीर्ण दर्शाया गया है। इस प्रकार कर्मकार द्वारा गलत सूचना देने के कारण दिनांक 16.12.1988 को कार्यालय समय पश्चात सेवा से हटा दिया गया। यदि कर्मकार अपनी वास्तविक योग्यता पूर्व में ही दर्शा देता तो उसे विपक्षी बैंक में चली आ रही मान्यता प्राप्त प्रैक्टिस के अनुसार नियुक्ति नहीं मिलती, इसीलिए कर्मकार ने अपनी योग्यता को छुपाते हुए आठवीं कक्षा पास योग्यता नियुक्ति पाने के लिए गलत रूप से दर्शायी जाना प्रकट हुआ। इसी प्रकार श्री मोहनलाल व्यास कर्मकार को आकस्मिक कार्य पर दैनिक वेतन पर दिनांक 19.9.89 को कार्य पर लगाया गया था, जिसने कुल 126 दिन कार्य किया था तथा उसके बाद बैंक में कार्य नहीं होने से उसे हटा दिया। कर्मकार पन्नालाल को भी आकस्मिक कार्य पर दैनिक वेतन पर दिनांक 9.1.90 से 10.4.90 तक लगाया गया था। उसने कुल 74 दिन तक कार्य किया है तथा उसकी कोई छंटनी नहीं की गई। जितने दिन बैंक में कार्य था, उतने दिन उसे रखा गया। अपने जवाब में अप्रार्थी की ओर से अन्त में प्रार्थी यूनियन की ओर से प्रस्तुत स्टेटमेंट ऑफ क्लेम खारिज किये जाने की प्रार्थना की है।

5. मैंने उभय पक्ष के विद्वान प्रतिनिधिगण की बहस सुनी एवं पत्रावली का अवलोकन किया।

6. प्रार्थीगण की ओर से उनके योग्य प्रतिनिधि द्वारा अपनी बहस में कथन किया गया है कि कर्मकार श्री गणेशदास वैष्णव की नियुक्ति विपक्षी बैंक में दिनांक 14.4.86 को की गई थी, श्री मोहनलाल व्यास की नियुक्ति दिनांक 19.4.89 को तथा कर्मकार श्री पन्नालाल की नियुक्ति दिनांक 1.1.1990 को की गई थी। प्रार्थी श्री गणेशदास वैष्णव, श्री मोहनलाल व्यास व श्री पन्नालाल जोशी को बिना किसी न्यायोचित कारण से क्रमशः दिनांक 16.12.88, 21.9.89 तथा दिनांक 11.4.90 को सेवामुक्त कर दिया गया। योग्य प्रतिनिधि द्वारा न्यायाधिकरण के समक्ष तर्क रखा गया है कि औद्योगिक विवाद अधिनियम 1947 की धारा-25जी. तथा 25एच.

के प्रावधान एवं अधिनियम, 1947 की धारा 25एफ. के प्रावधान पृथक हैं तथा धारा-25जी एवं 25एच. के प्रावधान अधिनियम की धारा-25एफ. के प्रावधानों पर निर्भर नहीं हैं। औद्योगिक विवाद केन्द्रीय नियम 1957 के नियम 76,77 एवं 78 की पालना करना अप्रार्थी नियोजक का दायित्व है। हस्तगत प्रकरण में स्वीकृत रूप से श्रमिक गणेशदास द्वारा एक वर्ष से अधिक अवधि तक नियमित सेवा अप्रार्थी बैंक में की है, जिसे सेवा से पृथक करने का कोई न्यायोचित आधार नहीं दिया गया है तथा अधिनियम की धारा-25एफ. के प्रावधानों की पालना किये बिना श्रमिक गणेशदास को सेवा से पृथक किया गया है। श्रमिक श्री मोहनलाल एवं श्री पन्नालाल की सेवा अवधि एक वर्ष की नियमित सेवा की न होने पर भी स्वतंत्र रूप से उपरोक्त दोनों ही श्रमिकों को अधिनियम की धारा-25 जी.के प्रावधानों के अनुसार छंटनी की प्रक्रिया अपनायी जानी चाहिए तथा धारा-25एच.के अनुसार छंटनी किये गये श्रमिकों का पुनः नियोजन किया जाना चाहिए था, जो नहीं किया गया तथा अधिनियम 1947 के प्रावधानों का स्पष्टतः उल्लंघन किया गया है।

7. अप्रार्थी की ओर से योग्य प्रतिनिधि द्वारा अपनी बहस में तर्क रखा गया है कि प्रार्थीगण कर्मकारों को अंशकालीन दैनिक मजदूर के रूप में रखा गया था। श्री गणेशदास की नियुक्ति दिनांक 14.4.86 को की गई थी। श्री गणेशदास वैष्णव द्वारा अप्रार्थी बैंक को अपनी शैक्षणिक योग्यता कक्षा 8 उत्तीर्ण बतलायी थी। श्री गणेशदास को अंशकालीन संदेशवाहक के रूप में नियमित करने के उद्देश्य से शैक्षणिक योग्यता संबंधी अभिलेख मांगने पर यह स्पष्ट हुआ कि श्री गणेशदास द्वारा दिनांक 4.5.1985 को 9 वीं कक्षा उत्तीर्ण करने के कारण अप्रार्थी बैंक में प्रचलित नियमानुसार प्रार्थी श्री गणेशदास वैष्णव वांछित अर्हता पूर्ण नहीं करता था, जिसने अपने प्रार्थनापत्र के माध्यम से अपनी शैक्षणिक योग्यता को छुपाते हुये अप्रार्थी बैंक को गलत सूचना दी थी और बैंक की मान्यता प्राप्त प्रैक्टिस के अनुसार 8वीं कक्षा से अधिक कक्षा पास व्यक्तियों को नियुक्ति नहीं दी जाती थी। इसी प्रकार प्रार्थी श्रमिक श्री मोहनलाल व्यास के संबंध में अप्रार्थी के योग्य प्रतिनिधि का कथन है कि उक्त श्रमिक द्वारा कुल 126 दिन तक आकस्मिक कार्य किया था तथा बाद में बैंक में कार्य न होने के कारण उसे हटा दिया गया तथा श्रमिक श्री पन्नालाल जोशी द्वारा कुल 74 दिन तक आकस्मिक दैनिक मजदूर के रूप में कार्य किया गया था। उसकी कोई छंटनी नहीं की गई थी, क्योंकि जितने दिन का विपक्षी बैंक में आकस्मिक कार्य था उतने ही दिन के लिए उसे कार्य पर लगाया गया था।

8. प्रार्थनापत्र के समर्थन में श्री अशोक पुरोहित, ग्रामीण बैंक एम्पलाईज (यूनियन मेवाड आंचलिक ग्रामीण बैंक) के अध्यक्ष को न्यायाधिकरण के समक्ष परीक्षित कराया गया है। जिसने अपने प्रार्थनापत्र में वर्णित कथनों की पुनरावृत्ति की है तथा यह भी कथन किया है कि उपरोक्त तीनों ही कर्मकारों को बिना विभागीय जांच अथवा आदेश के सेवापृथक किया गया तथा बैंक में उनसे जूनियर दैनिक वेतन भोगी कर्मकार जो फर्मास के रूप में कार्यरत थे, उनमें से कई कर्मकारों को नियमित कर दिया गया है। प्रार्थीगण को सेवामुक्त करने के बाद कई कर्मकारों को दैनिक वेतन पर रखा गया था तथा नये व्यक्तियों को भर्ती किये जाते समय इन तीनों ही प्रार्थीगण/कर्मकारों को नियुक्ति हेतु ऑफर नहीं दिया गया है। अप्रार्थी बैंक की ओर से श्री ओम कुमार पालीवाल को परीक्षित करवाया गया है। जिन्होंने अपने जवाब प्रार्थनापत्र में वर्णित कथनों की पुनरावृत्ति अपनी मुख्य परीक्षा में की है। प्रदर्श एम.1 प्रार्थनापत्र जो कि प्रार्थी श्रमिक श्री गणेशदास वैष्णव दैनिक मजदूरी के लिए मेवाड आंचलिक ग्रामीण बैंक के समक्ष दिनांक 23.4.1986 को प्रस्तुत प्रार्थनापत्र है। उक्त प्रार्थनापत्र में प्रार्थी श्रमिक द्वारा 8वीं कक्षा तक शिक्षा प्राप्त करना अंकित किया है। प्रदर्श एम.2 टी.सी. फॉर्म है, जिसके अनुसार प्रार्थी श्रमिक श्री गणेशदास वैष्णव ने 9वीं कक्षा उत्तीर्ण की है तथा 10वीं कक्षा में वह अनुत्तीर्ण रहा है। प्रदर्श एम.1 मेवाड आंचलिक बैंक के प्रशासनिक विभाग द्वारा जारी किया गया पत्र है, जिसमें परिपत्र दिनांक 27.4.85 के अनुसार बैंक में दैनिक मजदूरों को पांच घंटे के लिए 7/-रुपये प्रति घंटे के हिसाब से मजदूरी दिये जाने का उल्लेख है। मेवाड आंचलिक ग्रामीण बैंक, प्रधान कार्यालय उदयपुर के परिपत्र दिनांक 25.8.88 के अनुसार सभी अंशकालीन दैनिक मजदूर जो दिनांक 8.10.84 से पूर्व से कार्यरत हैं, नियमित होने के पात्र होंगे तथा ऐसे सभी अंशकालिक दैनिक मजदूर जिनकी नियुक्ति दिनांक 8.10.84 के बाद हुई है, निम्न अर्हता व योग्यता प्राप्त करने पर ही पात्र होंगे जो आठवीं कक्षा उत्तीर्ण होंगे तथा जिनकी आयु नियुक्ति के समय 18 वर्ष से 26 वर्ष के मध्य हो। इस प्रकार पत्रावली पर उपलब्ध प्रलेखीय साक्ष्य को देखने से स्पष्ट है कि अंशकालीन दैनिक मजदूर को नियमित करने के संबंध में ऐसे सभी अंशकालीन दैनिक मजदूर जिनकी नियुक्ति दिनांक 8.10.84 के बाद में हुई है, आठवीं कक्षा उत्तीर्ण हों तथा नियुक्ति के समय उनकी आयु 18 वर्ष से 26 वर्ष के मध्य हो। शैक्षणिक योग्यता के संबंध में भी कहीं उल्लेख नहीं है कि 8वीं कक्षा उत्तीर्ण से अधिक शैक्षणिक योग्यता रखने वाले श्रमिक नियमित करने के पात्र न होंगे अथवा कक्षा 8 से अधिक शैक्षणिक योग्यता दैनिक मजदूर के नियमितकरण के संबंध में अयोग्यता होगी।

9. अप्रार्थी बैंक की ओर से प्रस्तुत साक्षी श्री पवन कुमार पालीवाल द्वारा अपने प्रतिपरीक्षण में कथन किया गया है कि गणेशदास वैष्णव ने दिनांक 14.4.86 से दिनांक 16.12.88 तक, श्री मोहनलाल व्यास ने दिनांक 19.4.89 से 21.9.89 तक तथा श्री पन्नालाल जोशी ने दिनांक 1.1.90 से 11.4.90 तक काम किया था। श्री मोहनलाल व श्री पन्नालाल को इसलिए हटाया गया, क्योंकि हमारे यहां काम नहीं था। इनको मुख्यालय में आकस्मिक कार्य के लिए रखा गया था। इन उपरोक्त तीनों श्रमिकों को हटाने समय बैंक ने कोई वरीयता सूची प्रकाशित नहीं की। पहली बार सूची सन 1992 में ही बनायी थी। यह सही है कि दिनांक 20.4.89 के बाद भी बैंक में कई अंशकालीन संदेशवाहक रखे गये थे। यह सही है कि किसी सक्चुरल में नहीं लिखा है कि 8वीं से ज्यादा पढ़े व्यक्ति को संदेशवाहक नहीं लगाया जा सकता। बैंक ने श्रमिक गणेशदास को यह भी नहीं लिखा कि चूंकि उसने गलत प्रमाणपत्र व तथ्य दिये हैं, इसलिए क्यों न उसे बैंक सेवा से हटा दिया जावे। दिनांक 19.4.89 के बाद अब तक जब जब भी हमने अंशकालीन संदेश वाहक लगाये तब इन तीनों श्रमिकों को ऑफर नहीं दी कि वे यदि काम करना चाहें तो ड्यूटी पर आ जायें। हमने किसी भी श्रमिक को छंटनी मुआवजा भी नहीं दिया तथा न ही कोई नोटिस या नोटिस वेतन ही दिया। श्रमिकों को यह भी सूचित नहीं किया कि उनके नाम रोजगार कार्यालय में पंजीकृत नहीं हैं, इसलिए उन्हें हटाया गया है। यह सही है कि संदेश वाहकों की सूची जो सन् 1992 में बनाई थी वह भी हमने न्यायालय में पेश नहीं की है।

10. माननीय उच्चतम न्यायालय द्वारा—2015[145]-F.L.R.-425-Ajaypal Singh Vs. Haryana Warehousing Corporation न्यायिक दृष्टान्त में यह अभिनिर्धारित किया गया है कि श्रमिक को इस आधार पर सेवापृथक नहीं किया गया था कि उसकी प्रथम नियुक्ति भारतीय संविधान के अनुच्छेद-14 एवं -16 का उल्लंघन करती हो, छंटनी के आदेश में भी ऐसा कोई उल्लेख नहीं किया है। यदि अधिनियम की धारा-25एफ. के किसी भाग का उल्लंघन किया जाता है तथा नियोजक द्वारा अनफेयर लेबर प्रेक्टिस अपनाई गई तब नियोजक अपने अनैतिक कृत्य को इस आधार पर न्यायोचित नहीं ठहरा सकता कि श्रमिक की प्रथम नियुक्ति भारतीय संविधान के अनुच्छेद 14 व 16के प्रावधानों के विरुद्ध थी। माननीय न्यायालय द्वारा यह भी अभिनिर्धारित किया गया है कि अधिनियम की धारा-25जी. एवं 25 एच. के प्रावधान उस स्थिति में भी लागू होंगे, जबकि श्रमिक द्वारा 240 दिन तक लगातार कार्य न किया हो।

11. माननीय राजस्थान उच्च न्यायालय द्वारा 1991[2]R.L.R.-691-Surya Prakash Sharma Vs. R.T.B.B.Jpr. & Ors. के न्यायिक दृष्टान्त में यह अभिनिर्धारित किया गया है कि अधिनियम की धारा-25जी व 25एच. के प्रावधान स्वतंत्र प्रावधान हैं, जो कि धारा-25एफ. के प्रावधानों पर निर्भर नहीं हैं, अपितु स्वतंत्र रूप से लागू होंगे, चाहे श्रमिक द्वारा 240 दिन की सेवा पूर्ण की हो अथवा नहीं। माननीय न्यायालय द्वारा यह भी अभिनिर्धारित किया गया है कि केन्द्रीय औद्योगिक विवाद नियम 1957 के नियम 76,77 एवं 78 आज्ञापक प्रकृति के हैं। उपरोक्त नियमों का उल्लंघन करने पर श्रमिक क्षतिपूर्ति तथा पुनः रोजगार हेतु अपना वाद प्रस्तुत कर सकता है।

12. इसी प्रकार 2001[1]R.L.R.-156-State of Raj. Vs. Industrial & Labour Court, Udaipur के न्यायिक दृष्टान्त में माननीय न्यायालय द्वारा यह अभिनिर्धारित किया गया है कि श्रमिकों की छंटनी करने के उपरांत उसी प्रतिष्ठान में नये श्रमिकों की नियुक्ति किया जाना तथा श्रमिक लगातार नियोजन में बने होने के कारण श्रमिकों की छंटनी भारतीय संविधान के अनुच्छेद 14 तथा अधिनियम की धारा-25जी के प्रावधानों के विरुद्ध होगी। इनके अतिरिक्त निम्न न्यायिक दृष्टान्त भी प्रस्तुत किये गये हैं:—

- [1] 2008[119]F.L.R. 398-Divisional Manager, NewIndia Assurance Co.Ltd. Vs. A. Sankaralingam.
- [2] 2012[135]-F.L.R.-847-AARAM SAINI Vs. Presiding Officer, Central Government Industrial Tribunal and Labour Court & others.
- [3] 2017[2]-W.L.C.-700-M.D., Urban Cooperative Bank Ltd. Vs. The Judge, Industrial Tribunal, Jaipur.
- [4] [2015]-I Supreme Court Cases [L & S]49- L.I.C. Vs.Triveni Sharan Mishra.

13. उपरोक्त न्यायिक दृष्टान्तों का सम्मानपूर्वक परीक्षण किया तथा इनमें वर्णित विधिक स्थिति का ध्यानपूर्वक अवलोकन किया गया तथा अधिनियम की धारा-25जी व 25एफ. व 25एच.एवं केन्द्रीय औद्योगिक विवाद नियम 1957 के नियम 76,77 व 78 का अवलोकन किया।

14. सर्वप्रथम श्री गणेशदास वैष्णव को सेवापृथक किये जाने की परिस्थितियों का विवेचन करने पर यह स्पष्ट है कि स्वीकृत रूप से श्रमिक श्री गणेशदास वैष्णव द्वारा एक वर्ष से अधिक समय तक नियमित सेवा अप्रार्थी बैंक में दी गई थी। अप्रार्थी संस्थान द्वारा दिनांक 25.8.88 को जारी किये गये सक्च्यूलर के मुताबिक नियुक्ति दिनांक 8.10.84 को बाद ऐसे सभी अंशकालीन दैनिक मजदूर जो कि 8वीं कक्षा उत्तीर्ण हैं तथा 18 वर्ष से 26 वर्ष की आयु सीमा में हैं, उनको नियमित किया जायेगा। इसी क्रम में श्रमिक गणेशदास वैष्णव से शैक्षणिक योग्यता संबंधी अभिलेख मंगवाया गया। नियुक्ति के दिन उसकी आयु के संबंध में कोई विवाद नहीं है, बल्कि अप्रार्थी का कथन है कि श्रमिक श्री गणेशदास द्वारा जो टी.सी. फॉर्म दिया गया है, उसके अनुसार वह 10वीं कक्षा अनुत्तीर्ण है तथा अप्रार्थी बैंक की प्रचलित मान्यता प्राप्त प्रैक्टिस के अनुसार उसे नियुक्ति नहीं दी जा सकती। बैंक की मान्यता प्राप्त प्रैक्टिस के अनुसार 8वीं कक्षा से अधिक शैक्षणिक योग्यता वाले को अंशकालीन संदेशवाहक के पद पर नियुक्ति नहीं दी जा सकती। इस संबंध में समय समय पर जारी किये गये प्रपत्रों का अवलोकन करने से स्पष्ट है कि ऐसे परिपत्रों में कहीं भी नहीं लिखा है कि कक्षा 8 उत्तीर्ण से अधिक शैक्षणिक योग्यता प्रार्थी को अपात्र बनाती हो, श्रमिक गणेशदास वैष्णव द्वारा अप्रार्थी नियोजन के अधीन एक वर्ष से अधिक अवधि की निरंतर सेवा करने के कारण अधिनियम की धारा-25एफ. के प्रावधानों की पालना करते हुए श्रमिक को एक माह का नोटिस वेतन दिया जाना तथा छंटनी के समय देय प्रतिकर दिया जाना भी नहीं पाया गया है। इस प्रकार श्रमिक श्री गणेशदास वैष्णव के संबंध में अधिनियम की धारा-25एफ. के प्रावधानों की पालना होना नहीं पाया जाता है।

15. अब जहां तक श्रमिकगण श्री मोहनलाल व्यास एवं श्री पन्नालाल जोशी का प्रश्न है, स्वीकृत रूप से इन दोनों ही श्रमिकों द्वारा एक वर्ष की निरन्तर सेवा अथवा 240 दिन की अवधि तक अप्रार्थी संस्थान में कार्य किया जाना नहीं पाया जाता है। ऐसी स्थिति में उपरोक्त दोनों श्रमिकों के संबंध में अधिनियम की धारा-25एफ. के प्रावधान लागू नहीं होते। प्रार्थीगण के योग्य प्रतिनिधि द्वारा यह भी तर्क रखा गया है कि उपरोक्त तीनों ही श्रमिकगण को कोई आरोपपत्र भी नहीं दिया गया तथा बिना जांच के ही सेवा से निकाल दिया गया। पत्रावली के अवलोकन से यह स्पष्ट स्थिति है कि उपरोक्त तीनों ही श्रमिक नियमित सेवा में नहीं थे तथा अंशकालीन दैनिक मजदूर के रूप में कार्य कर रहे थे। ऐसी स्थिति में आरोपपत्र दिया जाने संबंधी प्रावधान उपरोक्त श्रमिकों पर लागू नहीं होते हैं।

16. न्यायाधिकरण के समक्ष प्रस्तुत न्यायिक दृष्टान्तों के आधार पर यह स्पष्ट है कि अधिनियम की धारा-25जी. एवं 25एच.के प्रावधान स्वतंत्र रूप से लागू होते हैं, जो कि अधिनियम की धारा-25एफ. के प्रावधानों पर आश्रित नहीं हैं। यह भी विधिक स्थिति

स्पष्ट है कि केन्द्रीय औद्योगिक नियम-1957 के नियम-76,77 व 78 की पालना की जाना आवश्यक है और यदि उक्त प्रावधानों की पालना नहीं की जाती है तब श्रमिक क्षतिपूर्ति अथवा पुनःस्थापन हेतु विधि अनुसार कार्यवाही कर सकता है।

17. अधिनियम की धारा-25जी. में छंटनी के लिए प्रक्रिया बताई गई है, जबकि धारा-25एच. में छंटनी किये गये कर्मकारों का पुनः नियोजन संबंधी प्रावधान है। केन्द्रीय औद्योगिक नियम-1957 के नियम 76 में वर्णित छंटनी की सूचना संबंधी प्रावधान, उन्हीं कर्मकारों के संबंध में लागू होते हैं, जो कि नियोक्ता के अधीन एक वर्ष से लगातार सेवा में हों। नियम-77 में कर्मकारों की वरीयता सूची का रख रखाव तथा नियम-78 में छांटे गये श्रमिकों को पुनः नियुक्ति के संबंध में प्रावधान है।

18. माननीय उच्चतम न्यायालय द्वारा **2015[145]-F.L.R.-425-Ajaypal Singh Vs. Haryana Warehousing Corporation** न्यायिक दृष्टान्त में यह अभिनिर्धारित किया गया है कि अधिनियम की धारा-25H के प्रावधान आकर्षित करने हेतु श्रमिक को यह प्रमाणित नहीं करना है कि वह अपनी सेवामुक्ति से पूर्व के 12 कलैण्डर माह में 240 दिन तक कार्य करता रहा है, अपितु यह पर्याप्त है कि उसके अभिवचनों में तथा साक्ष्य के माध्यम से यह प्रमाणित हो कि छंटनी किये जाने पर नियोक्ता द्वारा **बाद में आओ पहले जाओ** के नियम के बिना किसी न्यायोचित कारण के अवहेलना की गई है। अधिनियम की धारा-25एच. के प्रावधान सभी छंटनी किये गये श्रमिकों के संबंध में लागू होते हैं, इसके लिए आवश्यक नहीं है कि उक्त श्रमिक अधिनियम की धारा-25 एफ. में वर्णित पात्रता रखते हों। अधिनियम की धारा-25जी. के प्रावधान में वर्णित छंटनी की प्रक्रिया तथा 25एच. के प्रावधानों का लाभ उठाने हेतु अप्रार्थी नियोजक द्वारा **बाद में आओ पहले जाओ** के नियम का उल्लंघन किये जाने संबंधी कोई साक्ष्य प्रार्थीगण द्वारा प्रस्तुत नहीं की गई है, बल्कि अप्रार्थी की ओर से प्रस्तुत साक्षी पवनकुमार पालीवाल से उसकी प्रतिपरीक्षा में प्रश्न पूछे गये हैं, जो कि केन्द्रीय नियमों की पालना से संबंधित प्रश्न हैं तथा दिनांक 19.4.89 के बाद श्रमिकों के लगाये जाने एवं प्रार्थीगण को सेवामें लिये जाने हेतु प्रस्ताव न दिये जाने संबंधी सुझाव गवाह को दिया गया है। उक्त साक्ष्य के आधार पर दिनांक 19.4.89 के पश्चात कौन-कौन श्रमिक लगाये गये तथा उनकी सेवायें किस स्तर की थी, इस संबंध में कोई स्पष्ट साक्ष्य नहीं होने के कारण प्रार्थीगण मोहनलाल व्यास एवं पन्नालाल जोशी अधिनियम की धारा-25एच. के प्रावधानों का लाभ प्राप्त करने के अधिकारी नहीं हैं, क्योंकि श्रमिक पन्नालाल व मोहनलाल द्वारा एक वर्ष की निरन्तर सेवा, पद से हटाये जाने से पूर्व 12 कलैण्डर माह में 240 दिन की निरन्तर सेवा नहीं किये जाने के कारण उक्त दोनों ही श्रमिकों के संबंध में अधिनियम की धारा-25एफ. के प्रावधान लागू नहीं होते तथा अधिनियम की धारा-25एच. के संबंध में स्पष्ट साक्ष्य भी नहीं है। परिणामतः उपरोक्त न्यायिक दृष्टान्तों की विधिक स्थिति को देखते हुये प्रार्थी श्रमिकगण श्री मोहनलाल व्यास एवं श्री पन्नालाल जोशी अधिनियम की धारा 25एच. के प्रावधानों का लाभ प्राप्त करने के अधिकारी नहीं हैं। जबकि प्रार्थी श्रमिक श्री गणेशदास वैष्णव उपरोक्त विवेचन के आधार पर अप्रार्थी संस्थान में पुनः नियुक्ति एवं पुनः नियुक्ति के फलस्वरूप मिलने वाले पारिणामिक लाभों का 50 प्रतिशत प्राप्त करने का अधिकारी होना पाया जाता है।

19. अतः उपरोक्त विवेचन के फलस्वरूप इस रेफरेन्स का उत्तर निम्न प्रकार दिया जाना समीचीन है :-

अधिनिर्णय

20. अतः अतः प्रार्थी यूनियन की ओर से प्रस्तुत स्टेटमेंट ऑफ क्लेम प्रार्थी श्रमिकगण श्री मोहनलाल व्यास व श्री पन्नालाल जोशी के संबंध में अस्वीकार किया जाकर खारिज किया जाता है, जबकि श्रमिक श्री गणेशदास वैष्णव के संबंध में स्टेटमेंट ऑफ क्लेम स्वीकार किया जाता है तथा अप्रार्थी को आदेशित किया जाता है कि वह प्रार्थी श्रमिक श्री गणेशदास वैष्णव को सेवापृथक तिथि से पुनः सेवा में पदस्थापन करे तथा प्रार्थी श्रमिक श्री गणेशदास वैष्णव पुनः सेवामें निरन्तरता के परिणाम स्वरूप मिलने वाले पारिणामिक लाभों का 50 प्रतिशत अन्तर राशि प्राप्त करने का अधिकारी है। मामले के तथ्य व परिस्थिति में पक्षकारान खर्चा अपना- अपना स्वयं वहन करेंगे।

21. अधिनिर्णय लिखाया जाकर आज दिनांक **16.04.2018** को हस्ताक्षर कर सरेईजलास सुनाया गया। अधिनिर्णय की प्रति केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजी जावे।

दीपचन्द्र जोशी, न्यायाधीश

नई दिल्ली, 27 मार्च, 2019

का.आ. 502.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिण पूर्व रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 25/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.03.2019 को प्राप्त हुआ था।

[सं. एल-41012/150/2002-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 27th March, 2019

S.O. 502.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2003) of the *Cent.Govt.Indus.Tribunal-cum-Labour* Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of S. E. Railway and their workmen, received by the Central Government on 27.03.2019.

[No. L-41012/150/2002-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/25/2003

Ram Milan,
S/o Shri Jethukla,
C/o Shri B.S.Naidu, 145,
Keshwar Awas, Smritivan Turning Point,
Rajkishore Nagar,
Bilaspur

...Workman

Versus

Divisional Railway Manager,
S.E. Rly., Bilaspur

Sr. Divisional Engineer (CIC),
S.E. Rly.,
Bilaspur

...Management

AWARD

Passed on this 27th day of February 2019

1. As per letter dated 26-31/12/2002 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-41012/150/2002-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of South Eastern Railway, Bilaspur Division in removing the services of Shri Ram Milan, S/o Jethuwa, Gangman vide notice No. E/20/Rammilan dated 13-8-98 of Assistant Engineer, Manendragarh with immediate effect is justified? If not, to what relief the applicant is entitled?”

2. According to workman, he was working as Gangman, was served with chargesheet on 9-12-97. The charge was that he had absented himself from duty unauthorizedly from 24-12-96 till date of chargesheet. The chargesheet was received by him on 1-2-98 by post. He submitted his reply on 7-2-98 stating the reasons of his absence along with medical certificate. The employers registered a Departmental Enquiry. Enquiry Officer sent a letter dated 17-3-98 requiring the workman to attend the enquiry on 11-4-98. This letter was received on 4-4-98. Workman appeared before the Enquiry Officer on 11-4-98 and requested him to give opportunity to engage someone in his defence. His request was turned down and workman was forced by Enquiry Officer to sign his statement. No Presenting Officer was appointed in the Disciplinary Enquiry. The Enquiry Officer himself was the Presenting Officer. No statement of witness was recorded in the presence of the workman and enquiry was concluded against him holding him guilty. Appointing Authority, without providing the workman opportunity to explain, passed the order regarding his termination which was based on an illegal Departmental Enquiry in which no rule was followed.

3. The employers in their statement of defense have denied the allegations and pleaded that enquiry was conducted according to rules and the workman was given full opportunity of hearing and thereafter the impugned dismissal order was passed. Both the sides filed documentary evidence in support of their claims.

4. At stage of evidence, workman absented himself since 2007 and did not produce any evidence. The employers filed affidavit of their witness in examination in chief. The workman did not avail the opportunity of cross examination. At the time of hearing also, none was present on behalf of workman hence argument of Mr. R.K.Soni learned counsel for management were heard and record were perused by me.

5. There is no evidence on record to support the allegation of workman that the domestic enquiry was not proper and was against principles of natural justice. On the contrary, the uncontroverted affidavits of witnesses of employer are un cross-examined by the workman established the case of employers that the enquiry was conducted properly. As regards punishment, since it was proved during the enquiry that the workman had absented himself without any reason

from duty for a long time, in absence of any evidence on this point, it cannot be said that the punishment awarded was shockingly disproportionate to the charges proved.

6. On the basis of above discussion, I am constrained to hold that there is nothing on record to show that Departmental Enquiry conducted was against rules or against law.

7. In the result, award is passed as under:-

“The action of the management of South Eastern Railway, Bilaspur Division in removing the services of Shri Ram Milan, S/o Jethuwa, Gangman vide notice No. E/20/Rammilan dated 13-8-98 of Assistant Engineer, Manendragrh with immediate effect is justified. Accordingly, the workman is held not entitled to any relief.”

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 503.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 14/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.03.2019 को प्राप्त हुआ था।

[सं. एल-12012/248/2004-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 27th March, 2019

S.O. 503.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2005) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 27.03.2019.

[No. L-12012/248/2004-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/14/2005

Shri Durga Prasad Balmik,
Village – Hinotkalan,
Tehsil Hatta,
Distt. Damoh (MP)

...Workman

Versus

Branch Manager,
State Bank of India,
Hinotakalan Branch,
Distt. Damoh (MP)

...Management

AWARD

Passed on this 26th day of February 2019

1. As per letter dated 12-1-2005 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947, hereinafter referred by the word 'Act' as per Notification No.L-12012/248/2004-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of State Bank of India in terminating the services of Shri Durga Prasad Valmik, part time Safai Karamchhari w.e.f. 1-4-04 is justified and legal? If not, what relief is the disputant concerned entitled to?”

2. After registering the case on the basis of reference, notices were issued to parties. The workman submitted his statement of claim. He stated that he was appointed as part time sweeper w.e.f. 1-7-99 and was working in Hinotakalan Branch of the employer Bank and worked continuously till 1-4-04 as sweeper in continuous employment of Respondent Bank. The work was of permanent nature and post of sweeper was available with the Branch after rendering service continuously for 5 years. The employers rated him daily wage employee and did not regularize his services which was against law. The employers illegally terminated his services w.e.f. 1-4-04 which is against provisions of Section 25 (F), (G) & (H) of Industrial Dispute Act, 1947 as well as Rule 77 & 78 of Industrial Disputes (Central) Rules, 1957. It is further the case of the workman that he is without job since the date of termination till date and that he raised the dispute with the management regarding his regularization but it was not heard thereafter. He approached Regional Labour Commissioner. After FOC, reference was made by Central Government to this Court.

3. The employers, in their statement of claim have pleaded that the workman was a part time sweeper working 3 hours a week during the period of 1-7-99 to 31-3-04 and he was paid Rs.150/- per month for the period July 1999 to 2001 and June 2001 to March 2004 @ Rs.450 per month. It is further pleaded that the workman worked as a part time sweeper for 85 days w.e.f. 1-7-99 for only 3 hours per week. He was thereafter engaged on daily basis. The said engagement was contractual based on exigency of work. Therefore his disengagement could not be termed retrenchment as defined under Section 2(o)(bb) of the Act. Also it was pleaded that the workman was accordingly not entitled to any compensation under Section 25 (F) of the 'Act' because he was never in the employment of Bank and his services were contractual. Employers specifically denied that the workman worked for a period of 240 days in any year or in the year preceding the date of his disengagement and also denied violation of any provision or Rule and accordingly prayed for dismissal of the claim.

4. In his rejoinder, workman further asserted that he was engaged as a sweeper as daily wages and used to do cleaning on daily basis. Workman filed dis-engagement notice and proved it as Exhibit W-1.

5. Workman examined himself on oath in support of his claim.

6. No document was filed from the side of employer. One witness Shri Mejhras Kindo, Branch Manager was examined on oath by management. It is further to mention here that workman had filed an application directing the employers to produce the Muster Roll, Attendance Register, Payment Register/ Voucher from 1-7-99 to 1-4-04 was opposed from the side of employer with the statement that it was not maintained w.r.t. the workman because he worked only for 3 hours per week. Hence vide order dated 10-5-12, workman was accorded opportunity to prove these documents by way of secondary evidence.

7. I have heard submission of learned counsel for workman Shri K.B.Singh and learned counsel for management Shri Vijay Tripathi. I have also gone through the record.

8. It has been submitted on behalf of the workman that he worked as daily labor with the employer in their Branch from 1-7-99 to 1-4-04 continuously as a sweeper. He was dis-engaged without following procedure established under Section 25-F of ID Act hence his disengagement is against law. Also, it was submitted that the employers have not followed the mandate of law as mentioned in Section 25 G & H of the Act as well as 77 & 78 of the rules. These also renders the disengagement illegal. Further, it was submitted that since documents regarding the attendance/ presence of workman at work place and payment vouchers, which are in the custody of employers were withheld, oral evidence regarding claim of the workman establishes his case and he deserves to be reinstated with backwages holding his disengagement illegal.

9. On the other hand, learned counsel for employer has submitted that workman was engaged purely on contractual basis for the purpose of cleaning. His case is covered under Section 2(o) of the Act hence he is not entitled to benefit of Section 25-F, G & H of I.D. Act. Workman failed to prove his claim that he worked 240 days in the year preceding the date of his disengagement and also it was submitted that workman is in no way entitled to be reinstated with backwages.

10. After going through the record in the light of rival arguments, the points which arise for my consideration and determination are as under:-

(i) **Whether the action of the management of State Bank of India in terminating the services of Shri Durga Prasad Valmik, part time Safai Karamchari w.e.f. 1-4-04 is justified and legal?**

(ii) **If not, to what relief is the workman concerned entitled to?"**

11. **Point for determination No 1-**

12. As admitted between the parties, the fact that workman remained in engagement since 1-7-93 till 1-4-04. Also admitted is the fact that workman was paid on month to month basis. Parties differ in their respective cases and defense on the point that according to workman, he was part time employee on daily basis for cleaning and sweeping working as sweeper whereas according to employer, he was engaged not on daily basis but used to work once in a week for 3 hours and his appointment was purely contractual because there was no irregular post for sweeper with the Bank. It is necessary to mention here the fact that on the application of workman directing the employer to file documents regarding his payment and attendance, direction was given to the employer to file these documents vide order dated 10-05-2012 and in failure of employer to file the documents, the workman was granted liberty to file secondary evidence in this respect. The workman has filed his disengagement letter (Copy) and has proved it. The fact of disengagement and its date is not disputed between the parties. In his statement on oath as witness, the workman has stated that previously his mother working as sweeper with the employer since 30-6-93 and thereafter he was engaged as sweeper on 1-7-99 and

continuously worked on daily basis till 1-4-04. He further stated that no prior notice or compensation was given to him on his disengagement. He was paid by voucher and his attendance was recorded on daily basis. In his cross-examination, he also admitted that no advertisement was given for the post. He was not recommended by the Employment Exchange. Appointment Letter was issued to him by Bank but he has not filed it.

13. The witness from employer, the Manager of the Bank, has stated on oath that the mother of the workman was a part time sweeper in 1993 and the present workman was engaged on daily wages from 1-7-99 to 1-4-04. His appointment was on casual daily wage basis and not against any post or vacancy. He was engaged only for 3 hours in a week with a liberty not to come next day and the Bank was also at liberty not to engage him on next day. He was paid fixed wages settled prior to his engagement. He did not complete 240 days prior to the year of his disengagement. He was not appointed on any vacancy nor any compliance of any service rules regarding recruitment.

14. In his cross examination, this witness has admitted that the workman was paid his wages through cheque on monthly basis, payment vouchers were prepared. There is no document produced regarding the dates on which the workman worked according to the employer. The above description of evidence makes it clear that both the sides have supported their case in their statements on oath.

15. Learned counsel for employers has relied on case of

Bhavnagar Municipal Corporation and others Vs. Jadeja Govubha Chhanubha and another (2014)16 Supreme Court Cases-130 wherein it has been laid down that burden to prove continuous service for completing 240 days lies on workman and further held that only because some documents were not filed by management, no adverse inference can be drawn.

In the referred case, the photocopy of certificate issued by the employer was filed which was admitted in evidence as no objection was taken at preliminary stage. No doubt, the burden to prove continuous employment lies on the workman. In the case in hand, admittedly the payments were made through cheque. Even if the contention of employer that the workman worked only for 3 hours in a week, the employer could at least produce document to support this version. Workman has not supposed to maintain any record regarding his presence or attendance at workplace and payment. These records are maintained by employers under rules. It is no excuse in not producing such records only on the pretext that these records were not maintained or not available. So, the facts of case in hand are different from the case referred to as above. After all a party cannot be expected to bring an impossible evidence which is not in his control and the case is decided mainly on the basis of what is on record and not on the basis of what is not on record. In the case in hand, the workman could not produce a better evidence than his statement of oath to substantiate his claim whereas the employers have a chance to produce better evidence in form of documents to support their defense or to rebut the claim of workman. In such circumstances, the statement of workman inspires more confidence than the statement of management. One should not forget the fact that the dispute between a workman and employer is a fight between David and Goliath.

16. **On the basis of aforesaid discussion, the fact that workman was engaged on daily basis and he worked on daily basis since 1-7-99 to 1-4-04 as a sweeper with the Bank is held proved. Accordingly, the claim of the workman that he had completed 240 days in the year preceding his date of disengagement is also held proved.**

17. Now the question further arises as to whether the disengagement of workman is legally justified or not.

18. According to case of workman, the disengagement is not legally justified because mandatory provision of Section 25-F,G&H of the Act as well as Rule 77 & 78 of Industrial Dispute Central Rules 1957 were not followed. The case of employer is that the present case cannot be covered under retrenchment as defined under Section 2(oo)(bb) of ID Act because the workman was not appointed against any vacancy. He was simply engaged for 3 hours a week as daily labor.

19. Learned counsel further submits that there is no violation of Section 25-F,G & H of the Act as well as Rule 77 & 78 of Central Industrial Dispute Rules 1957. It is necessary to reproduce the relevant provisions as under:-

Section 2(oo)

“retrenchment” means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include”

Section 2(oo)(bb)

“Termination of the service of the workman as a result of the on-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein.”

Section 25F.

Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice: 1[*] (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2[for every completed year of**

continuous service] or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government.

Section 25G.

Procedure for retrenchment.- Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

Section 25H.

Re-employment of retrenched workmen.- Where any workmen are retrenched and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity 2[to the retrenched workmen who are citizens of India to offer themselves for reemployment, and such retrenched workmen] who offer themselves for reemployment shall have preference over other persons.

Rule 77 of Industrial Dispute Rules 1957-

Maintenance of seniority list of workmen:-The employer shall prepare a list of all workmen in the particular category from which retrenchment is contemplated to be arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a 1 Sub-rule (3) subs. by G.S.R. 289, dated 2nd March, 1982 (w.e.f. 13-3-1982). 2 Sub-rule (3) re-numbered as sub-rule (2) by S.O. 2485, dated 20th May, 1985. 3 Sub-rule (4) re-numbered as sub-rule (3) by S.O. 2485, dated 20th May, 1985. 4 Ins. by S.O. 2485, dated 20th May, 1985. 5 Re-numbered as sub-rules (2) and (3) by S.O. 2485, dated 20th May, 1985. 6 Re-numbered as sub-rules (2) and (3) by S.O. 2485, dated 20th May, 1985. Rule 80 The Industrial Disputes (Central) Rules, 1957 73 conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

Rule-78 of Industrial Dispute Rules 1957-

Re-employment of retrenched workmen:-(1) At least ten days before the date on which vacancies are to be filled, the employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also give intimation of those vacancies by registered post to every one of all the retrenched workmen eligible to be considered therefor, to the address given by him at the time of retrenchment or at any time thereafter : Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior most retrenched workmen in the list referred to in rule 77 the number of such senior most workmen being double the number of such vacancies: Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen: 1[Provided also that if a retrenched workman, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.] (2) Immediately after complying with the provisions of sub-rule (1), the employer shall also inform the trade unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workmen to whom intimation has been sent under that sub-rule: Provided that the provisions of this sub-rule need not be complied with by the employer in any case where intimation is sent to every one of the workmen mentioned in the list prepared under rule 77.

20. The case of **Raj Kumar versus Director of Education and others reported in (2016)Supreme Court Cases 541** has been referred to learned counsel for workman in this respect.

Para 28 to 30 of this judgement are reliefs when the Apex Court has re-affirmed its earlier decisions as to who will be called a workman. Following the decision since any person who is engaged in manual, clerical, supervisory or technical work man industry will be called workman. So called principle of law is that Banking is an industry and since the present workman was engaged to do manual work, he will be called the workman. Accordingly, provisions of ID Act shall apply in this case.

21. There is nothing on record to show that any notice or any compensation was given to the present workman hence holding that no notice or compensation as mentioned in Section 25-F is proved to have given to workman by the employment, it is further held that the disengagement of workman in the case at hand is in violation of Section 25-F of ID Act.

22. As regards the violation of other provisions as mentioned in the judgment as is the case of workman, there is nothing on record to show that any person junior to workman was continued in engagement or further appointments were made in the work which the workman was doing before his disengagement, no violation of Section 25-G, H of the Act of Rule 77,78 of the rules is found in the case.

23. **Accordingly it is held that action of the management of State Bank in terminating the services of workman w.e.f.1-4-04 is not justified and is against law. Point No.1 is answered accordingly.**

24. **Point for determination No. 2-**

25. Since the disengagement of workman has been held violative of Section 25-F of Industrial Dispute Act. Next point remains to be considered is as to the relief which can be granted.

26. It has been submitted by learned counsel for workman that the workman deserves to be reinstated along with backwages because from the evidence on record, it is established that he has been out of employment since the date of his disengagement till date.

27. On the other hand, learned counsel for employer has submitted that the job for which the workman was engaged is not of a permanent job. There is no post sanctioned for the said job. Workman was not selected according to rules hence it will be proper to reinstate him that too with backwages.

28. Learned counsel has cited following cases in this respect-

- (i) **Totaram Vs Belliss India (Private) Limited (2016)6 SCC-406**
- (ii) **District Development Officer and another Vs. Satish Kantilal Amelia (2018)12 SCC-298.**
- (iii) **Jagbir Singh Vs Haryana State Agriculture Marketing Board (2009)15-SCC-327**
- (iv) **Assistant Engineer Rajasthan Development Corporation and another Vs. Gitam Singh (2013)SCC-136**

29. In these cases, it has been laid down by Apex Court that where the termination has been found violative of Section 25-F, it is not that the workman should be reinstated in each and every case and a lumpsum compensation may also be an alternative relief for him. In the case in hand, there is nothing on record to establish that the job which the workman was doing is of a sanctioned post. This is also established that he was only engaged on daily wages hence in this facts and circumstances, lumpsum compensation to workman will meet the ends of justice. Accordingly the workman is held entitled to lumpsum compensation of Rs.30,000/- from the Bank .Point for determination No2 is decided accordingly.

30. In the result, award is passed as under:-

- (1) **The action of the management of State Bank of India in terminating the services of Shri Durga Prasad Valmik, part time Safai Karamchhari w.e.f. 1-4-04 is not justified and legal.**
- (2) **The workman is held entitled to receive lumpsum compensation of Rs. 30,000/- from the Bank.**

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 504.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिणी पूर्व रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 47/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27.03.2019 को प्राप्त हुआ था।

[सं. एल-41012/194/2001-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 27th March, 2019

S.O. 504.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/2002) of the *Cent.Govt.Indus.Tribunal-cum-Labour* Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of S. E. Rly. and their workmen, received by the Central Government on 27.03.2019.

[No. L-41012/194/2001-IR(B-1)]

B. S. BISHT, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR
NO. CGIT/LC/R/47/2002**

B. S. Naidu,
Vice President, AIRC, 145,
Keshar Awas, Smruti-I, Turning Point,
Rajkishore Nagar,
Bilaspur

...Workman

Versus

Sr. D.E.N.
S.E.Rly., Bilaspur Division,
Bilaspur, Chhattisgarh.

Sr. D.P.O.
S.E. Rly,
Bilaspur Division,
Bilaspur Chhattisgarh.

...Management

AWARDPassed on this 28th day of February 2019

1. As per letter dated 22-3-2002 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-41012/194/2001-IR(B-I). The dispute under reference relates to:

“Whether the action of the Railways through the AEN, South Eastern Railways, Manendragarh in removing the services of Shri Dhaniram S/o Bhaiyalal Gangman w.e.f. 13-8-98 is justified? If not, what relief the workman is entitled?”

2. According to workman, he was working as Gangman, was served with chargesheet on 9-12-97. The charge was that he had absented himself from duty unauthorizedly from 10-3-95 till date of chargesheet. The chargesheet was received by him on 1-2-98 by post. He submitted his reply stating the reasons of his absence along with medical certificate. The employers registered a Departmental Enquiry. Enquiry Officer sent a letter dated 17-3-98 requiring the workman to attend the enquiry on 11-4-98. This letter was received on 4-4-98. Workman appeared before the Enquiry Officer on 11-4-98 and requested him to give opportunity to engage someone in his defense. His request was turned down and workman was forced by Enquiry Officer to sign his statement. No Presenting Officer was appointed in the Disciplinary Enquiry. The Enquiry Officer himself was the Presenting Officer. No statement of witness was recorded in the presence of the workman and enquiry was concluded against him holding him guilty. Appointing Authority, without providing the workman opportunity to explain, passed the order regarding his termination which was based on an illegal Departmental Enquiry in which no rule was followed.

3. The employers in their statement of defense have denied the allegations and pleaded that enquiry was conducted according to rules and the workman was given full opportunity of hearing and thereafter the impugned dismissal order was passed. Both the sides filed documentary evidence in support of their claims.

4. At stage of evidence, workman absented himself since last about 5 years and did not produce any evidence. The employers filed affidavit of their witness in examination in chief. The workman did not avail the opportunity of cross examination. At the time of hearing also, none was present on behalf of workman hence argument of Mr. R.K.Soni learned counsel for management were heard and record were perused by me.

5. There is no evidence on record to support the allegation of workman that the domestic enquiry was not proper and was against principles of natural justice. On the contrary, the uncontroverted affidavits of witnesses of employer are un cross-examined by the workman established the case of employers that the enquiry was conducted properly. As regards punishment, since it was proved during the enquiry that the workman had absented himself without any reason from duty for a long time, in absence of any evidence on this point, it cannot be said that the punishment awarded was shockingly disproportionate to the charges proved.

6. On the basis of above discussion, I am constrained to hold that there is nothing on record to show that Departmental Enquiry conducted was against rules or against law.

7. In the result, award is passed as under:-

“The action of Railway through A.E.N. South Eastern Railways, Manendragarh in removing the services of Shri Dhaniram S/o Bhaiyalal Gangman w.e.f. 13-8-98 is justified. Accordingly, the workman is held not entitled to any relief.”

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 505.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन.जी.सी. लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या 124/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.03.2019 को प्राप्त हुआ था।

[सं. एल-30012/25/1997-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th March, 2019

S.O. 505.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Ahmedabad (Ref. No. 124/2004) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Limited and their workmen, which was received by the Central Government on 12.03.2019.

[No. L-30012/25/1997-IR(C-1)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 19th February, 2019

Reference: (CGITA) No. 124/2004

1. The Executive Director,
ONGC Ltd.,
WRBC, Makarpura Road,
Baroda (Gujarat) – 390009
2. The Group General Manager (Projects),
ONGC Ltd., Mehsana Project, Palavasna,
Mehsana (Gujarat) – 384002
3. M/s Chanasma Taluka Majdoor Kamdar Sahakari Mandli Ltd.,
C/o Gandhi Printers, Opposite B.K. Cinema,
S.T. Workshop Road,
Mehsana (Gujarat) – 384002
4. M/s. Swastik Majdoor Kamdar Sahakari Mandli Ltd.,
Sardar Shopping Centre, Near Congress House,
Mehsana (Gujarat) - 384001
5. The Proprietor,
Byte-Bye-Byte, Computer Services (Blue Max), Opp. B.K. Cinema,
Mehsana (Gujarat)
6. M/s. Protection Security Services,
Sapna Complex, Jawahar Chowk, Maninagar,
Ahmedabad (Gujarat)
7. M/s. Adarsh Majdoor Kamdar Sahakari Mandli Ltd.,
Near Gayatri Mandir, Highway Road,
Mehsana (Gujarat) – 384002
8. M/s. Associated Expert Services,
(Engineers and Contractors),
9, St. Joseph Society, Nizam Pura,
Baroda (Gujarat)

9. M/s. Public Power Majdoor Kamdar Sahakari Mandli Ltd.,
Opposite Dudsagar Dairy, Highway Road,
Mehsana (Gujarat) - 384002
10. M/s. Multipurpose Manpower Management Services Pvt.,
1st Floor, Tapasvi Chambers, Opposite Sagar Dairy, Highway Road,
Mehsana (Gujarat) - 384002
11. The Chairman cum Managing Director,
ONGC Ltd., Tel Bhavan,
Dehradun (Uttarakhand)

...First Parties

V/s

The Secretary,
ONGC Labour Union,
8, Samarpan Shopping Complex, Highway Road,
Mehsana (Gujarat)

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri Yogen Pandya

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/25/97-IR(C-I) dated 09.11.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of ONGC Employees Union, Mehana that the contract workers working in ONGC, Mehana in the categories which are declared prohibited under Contract Labour (R&A) Act for their regularisation in the regular posts of ONGC is justified? If yes, then from which date and what directions are required to be given?”

1. The reference dates back to 09.11.1998 and received on 14.12.1998 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. After issuing of notice to the parties, the second party submitted the statement of claim Ex. 5 and the first party ONGC Ltd. submitted the written statement Ex. 53.
3. The second party union The Secretary, ONGC Labour Union, 8, Samarpan Shopping Complex, Highway Road, Mehana, hereinafter referred to as “union” has alleged in the statement of claim that the aforesaid reference was referred to this Tribunal by the Ministry of Labour and Employment, Government of India, New Delhi under the direction of the Hon’ble High Court of Gujarat in Special Civil Application (SCA) No. 7655/1997 concerning the 114 workmen related to the first party ONGC, Mehana, hereinafter referred to as “ONGC”. The High Court while passing the said order protected the services of aforesaid 114 workmen by way of maintaining status quo. The second party union The Secretary, ONGC Labour Union, 8, Samarpan Shopping Complex, Highway Road, Mehana is a registered trade union and the concerned workmen are the members thereof. These workmen alleged to have been working under the prohibited category. The first party ONGC, Mehana has been engaged in drilling operations for extracting mineral oil and natural gas. These workmen have been working under the direct supervision and control of the first party ONGC, Mehana. It has been further alleged that ONGC started hiring vehicles like Jeeps, Trucks, Buses, Cranes and Trailers etc. replacing the condemned vehicles of ONGC. It has been further alleged that the Mehana Project of ONGC and its activities are being supervised and controlled by the Executive Director. It is covered under the Mines Act, 1952. Contractual workers are being assigned duties on the various jobs like telephone operations, instrument technicians and wireless operations. The transport division of ONGC, Mehana has been headed over by Chief Manager (Logistic) divided in number of departments. It is responsible for transportation of men and materials spread over operation business, drilling business, exploration business, technical business and co-ordination group etc. ONGC has been providing the concerned contractual workmen, fuels, spare parts etc. These workmen have been working under the direct control and supervision of ONGC for all intent and purposes like attendance and absence, if any, is being marked by the officers of ONGC and the contractors were namesake and created by the ONGC to deprive by the ONGC by labelling them as contract workers. The notifications dated 09.12.1976 and 08.09.1994 are also filed. It has been further alleged that the first party ONGC used to invite tenders from the labour contractors and the lowest bidder used to be awarded the labour contract. It is further alleged that the persons detailed in Annexure A have been working for ONGC which has been earning profit in ONGC and the work was of perennial nature. It has been further alleged that the concerned workmen have been working on the post of prohibited category under the aforesaid notifications, therefore, they cannot be read as contractual labourers and being in the prohibited category, they are entitled for regularisation on the said post with a compensation of Rs.25000/- per annum for all the years from the date of appointment.

4. The workmen also moved an interim application Ex. 7 for grant of interim stay which was allowed by the then Presiding Officer granting the status quo till the disposal of reference.
5. The first party ONGC filed preliminary objections Ex. 33 to frame the preliminary issue and the second party submitted the objection Ex. 34. The application Ex. 33 was rejected by the Tribunal. The ONGC preferred Special Civil Application (SCA) No. 1727 of 2001 in the Hon'ble High Court wherein the High Court granted stay against the said order of rejection which was finally decided on 29.12.2004.
6. The first party ONGC submitted the written statement Ex. 53 denying all the allegations made in the statement of claim submitting that ONGC has been awarding various casual seasonal jobs on contract to the contractors after following the due process of tender. There has been no master-servant relationship between the ONGC and concerned workmen. Contractors have been employing them as per requirement. They have not been doing permanent and perennial nature of job, therefore, cannot be equated with the regular employees of ONGC. They have been doing the job under the control and supervision of contractors as per the requirement of tenders granted to contractors. These workmen have also not been subjected to administrative, financial or disciplinary action by the ONGC. In case these workmen were regularised, it would be called as back door entry. These workmen have not been working under prohibited category. The notifications dated 09.12.1976 and 08.09.1994 have been challenged in the Hon'ble High Court. Thus the prayers sought by the workmen cannot be granted and the reference is liable to be dismissed.
7. The second party submitted various documents vide list Ex. 41 and 60 and had also examined one Kamlesh Dayalal Raval, Telephone operator vide Ex. 101 and I.B. Pandya and Gulshan Birsinh vide Ex. 102.
8. The first party examined the witness named Isikella Krishnamurthy vide Ex. 105.
9. After the completion of evidence of both the parties, ONGC Employees Mazdoor Sabha, Mehsana vide application Ex. 91 and 107 prayed for deletion of 17 workmen, the names of them are as under:

Serial No.	Name of the Workman
1.	Anwar Benjamin Pathan
2.	Chaudhari Karshanbhai Rugnathbhai
3.	Fataji Karanji Thakor
4.	Jayantibhai Ambarambhai Prajapati
5.	Thakor Amarji Gobarji
6.	Senma Somabhai Motibhai
7.	Dahyabhai Khodabhai Patel
8.	Jayesh Visnuprasad Bhatt
9.	Joshi Alkeshkumar Kantilal
10.	Baldevsingh Jogababu Aarya
11.	Arshadhusain Istiyaqhusain Khan
12.	Gajendrabhai D. Limbachia
13.	Anilkumar Anantram Sharma
14.	Tomar Radhakrishan Nemsinh
15.	Parmar Mehendra Alabhai
16.	Parmar Parasottambhai Bhudarbhai
17.	Ashokkumar Becharbhai Solanki

The names of aforesaid workmen were, therefore, deleted from the reference as prayed by them vide order dated 09.08.2018 and 21.01.2019.

10. On the basis of the pleadings, the following issues arise:

- i. Whether the demand of ONGC Employees Union, Mehsana that the contract workers working in ONGC, Mehsana in the categories which are declared prohibited under Contract Labour (R&A) Act for their regularisation in the regular posts of ONGC is justified?
- ii. To what relief, if any, the concerned workmen are entitled?

11. **Issue No. i and ii:** As both the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party. The witnesses Kamlesh Dayalal Raval, Telephone operator vide Ex. 101 and I.B. Pandya and Gulshan Birsinh vide Ex. 102 reiterated the averments made in the statement of claim in their examination-in-chief but in their cross-examination, they have stated that they have not been given any appointment letter by ONGC. Wages were credited in their bank account by the contractor and provident fund was also deducted by the contractor from their wages. Their wages were paid on the basis of day to day basis.

12. The first party examined a witness named Isikella Krishnamurti vide Ex. 105 reiterated the averments made in the written statement and has not said anything to his examination-in-chief.

13. The second party union has prayed for regularisation of workmen on the ground that they have been working for a long period under the prohibited category given in notifications dated 09.12.1976 and 08.09.1994 but the first party has argued that the said notifications were challenged in the Uttarakhand High Court in Writ Petition (M/S) No. 1323 of 2013, ONGC Dehradun V/s Union of India and the Uttarakhand High Court vide judgement dated 15.02.2018 quashed the notification dated 08.09.1994. The notification dated 09.12.1976 was also of similar nature and the notification dated 08.09.1994 was issued in continuation of notification dated 09.12.1976. Therefore, after quashing the notification dated 08.09.1994 by the Uttarakhand High Court, these workmen being the contractual labours cannot be absorbed or regularised despite the fact that they have been working for a long time. It has been admitted by the workmen in their evidence that they were engaged by the contractor and the wages were also paid by the contractor.

14. Had these workmen been regularised or absorbed despite the fact that they were admittedly contractual labours, such recruitment absorption would be called back door entry as the ONGC being the State Instrumentality is bound by the due procedure of recruitment.

15. Thus the reference has no force and liable to be dismissed. Both the issues are decided accordingly. The second party workmen are not entitled for any relief.

16. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 506.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन.जी.सी. लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (संदर्भ संख्या 78/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.03.2019 को प्राप्त हुआ था।

[सं. एल-30012/24/1997-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th March, 2019

S.O. 506.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court Ahmedabad (Ref. No. 78/2004) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Limited and their workmen, which was received by the Central Government on 12.03.2019.

[No. L-30012/24/1997 -IR(C-1)]

M. K. SINGH, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
 Ahmedabad,
 Dated 19th February, 2019

Reference: (CGITA) No. 78/2004

1. The Chairman,
ONGC Ltd., T.I. Bhavan,
Dehradun (Uttarakhand) – 248001
- (2) M/s. Public Power Majdoor Kamdar Sahakari Mandli,
Opposite Dudsagar Dairy,
Mehsana (Gujarat)
- (3) M/s. Amilyasan Majdoor Kamdar Sahakari Mandli,
C/o Ganesh Trashers Nandasan,
Mehsana (Gujarat)
- (4) M/s. Swastik Majdoor Kamdar Sahakari Mandli,
Sardar Shopping Centre, Near Congress Bhavan,
Mehsana (Gujarat)
- (5) M/s. Multipurpose Manpower Management Services,
Opposite Dudsagar Dairy,
Mehsana (Gujarat)

...First Parties

V/s

The Secretary,
ONGC Labour Union,
8, Samarpan Shopping Complex,
Highway Road,
Mehsana (Gujarat)

...Second Party

For the First Party : Shri K.V. Gadhia
 For the Second Party : Shri Yogen Pandya

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/24/97-IR(C-I) dated 13.04.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

- a. The demand of ONGC Employees Union, Mehसाna for the employment to the dependents of Late Chandau Hira, Khalasi Gr. I and Late J.V. Joshi (H.V.) Supervisor who died while in service of ONGC as per the scheme dated 08.08.1978.
- b. The demand of the union for absorption/regularisation to Shri K.K. Negi, an injured contract workman as Telephone Operator with effect from 17.01.1995 in the service of ONGC, Mehसाna which has been declared as prohibited category vide Notification dated 08.09.1994 under Contract Labour (Regulation and Absorption) Act, 1970.

Whether the above said demands are legal and justified? If yes, then to what relief the concerned workmen are entitled to?"

1. The reference dates back to 13.04.1998 and received on 20.04.1998 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. After issuing of notice to the parties, the second party submitted the statement of claim Ex. 3 on 18.06.1998 and the first party submitted the written statement Ex. 31 on 20.01.2000.
3. The second party union The Secretary, ONGC Labour Union, 8, Samarpan Shopping Complex, Highway Road, Mehसाna, hereinafter referred to as "union" has alleged in the statement of claim that the aforesaid reference was referred to this Tribunal by the Ministry of Labour and Employment, Government of India, New Delhi concerning the workmen

related to the first party ONGC, Mehsana, hereinafter referred to as “ONGC”. It has been alleged in the statement of claim that the second party union The Secretary, ONGC Labour Union, 8, Samarpan Shopping Complex, Highway Road, Mehsana is a registered trade union and the concerned workmen are the members thereof. The second party union has alleged that prior to 1978; ONGC did not formulate any policy to grant employment to the dependents of deceased employees who happened to be dying in harness. Thereafter, the first party in consultation and agreement with the union floated a scheme benevolent fund on contributory basis. Thereafter, scheme for granting employment assistance to dependent of deceased employees came to be adopted in May, 1978. The second party has alleged that the first party is empowered to grant relaxation in age and qualification etc. The second party has alleged that the first party has formulated recruitment and regulations 1974 and same were repealed and now known as R & P, 1980 w.e.f. 25.04.1980. The union has prayed that denying the employment assistance to the workmen by the first party is illegal, unjust and improper and also not granting employment to the dependents of the deceased workmen is discriminatory. The second party union also prayed for absorption of K.K. Negi in the services of ONGC. The second party workman K.K. Negi has been engaged by the first party through Labour Contractors on 17.01.1990 and he has been paid minimum wages applicable to semi skilled workers in the Schedule Employment under M.W.A. for construction of roads, maintenance and building. He continued to work in Logging Section till 09.04.1994. He has passed SSC with science subject and also passed 12th and possessing the trade certificate in Diesel recognized by National Council of vocational training. The union has further alleged that during 17.01.1990 to 09.04.1994, the workman K.K. Negi was assigned the duty of helper and assistant technician by the first party. He had worked with various contractors. He has been discharging his duties as Telephone Operator. Therefore, the union has prayed that the workman K.K. Negi be treated as direct workman of ONGC on the post of Telephone Operator w.e.f. 17.01.1995 with all consequential benefit and also to grant Rs.50000/- as cost to the union.

4. The union also moved an interim application for grant of interim stay. The ONGC submitted the reply in response to the application. Thereafter, the second party union has not argued on the said application, hence no order has been passed in the said application.

5. The first party ONGC submitted the written statement Ex. 31 denying all the allegations made in the statement of claim submitting that ONGC has been awarding various casual seasonal jobs on contract to the contractors after following the due process of tender. There has been no master-servant relationship between the ONGC and concerned workmen. Contractors have been employing them as per requirement. They have not been doing permanent and perennial nature of job, therefore, cannot be equated with the regular employees of ONGC. They have been doing the job under the control and supervision of contractors as per the requirement of tenders granted to contractors. These workmen have also not been subjected to administrative, financial or disciplinary action by the ONGC. In case these workmen were regularised, it would be called as back door entry. These workmen have not been working under prohibited category. Thus the prayers sought by the workmen cannot be granted and the reference is liable to be dismissed.

6. The first party ONGC filed preliminary objections Ex. 32 to frame the preliminary issue and the second party submitted the objection Ex. 33. After hearing the parties, the Tribunal ordered to decide the application Ex. 32 along with the main reference at the time of final hearing vide order dated 21.06.2001. Hence the application Ex. 32 has been disposed off accordingly.

7. The second party examined one Smt. Shardaben Chandubhai vide Ex. 43 who reiterated the averments made in the statement of claim and has stated that her husband had worked with ONGC for 20 years and died on 17.09.1989. At that time, she had four children and one is of 15 years. She has applied for job in ONGC. The first party ONGC has sent a cheque of Rs.25000/- to her which she returned. In her cross-examination, she admitted that in the year 1993, she received a reply from ONGC regarding not engaging her son at job as her son was 8th standard pass, hence not entitled for job. She admitted that after the death of her husband, she received Rs. 30000/- from ONGC. She has also admitted that she had no proof or documents to show that ONGC has given employment to illiterate persons.

8. The second party union has also examined K.K. Negi vide Ex. 59 who reiterated the averments made in the statement of claim. In his cross-examination, he has admitted that he has not given any appointment letter by ONGC and contractor. His provident fund was deducted by the contractor. He has no documentary evidence to show that he was working as Telephone Operator since 1995.

9. On the basis of the pleadings, the following issues arise:

- i. Whether the demand of ONGC Employees Union, Mehsana for the employment to the dependents of Late Chandau Hira, Khalasi Gr. I and Late J.V. Joshi (H.V.) Supervisor who died while in service of ONGC as per the scheme dated 08.08.1978 is legal and justified?
- ii. Whether the demand of the union for absorption/regularisation to Shri K.K. Negi, an injured contract workman as Telephone Operator with effect from 17.01.1995 in the service of ONGC, Mehsana which has been declared as prohibited category vide Notification dated 08.09.1994 under Contract Labour (Regulation and Absorption) Act, 1970 is legal and justified?
- iii. To what relief, if any, the concerned workmen are entitled?

10. **Issue No. I, ii and iii:** As all the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party union. The witnesses Shardaben Chandubhai and K.K. Negi reiterated the averments made in the statement of claim in their examination-in-chief but in their cross-examination, they have stated that they have not been given any appointment letter by ONGC. Wages were credited in their bank account by the contractor and

provident fund was also deducted by the contractor from their wages. Their wages were paid on the basis of day to day basis.

11. The first party examined a witness named Isikella Krishnamurti vide Ex. 105 reiterated the averments made in the written statement and has not said anything to his examination-in-chief.

12. The second party union has prayed for regularisation of workmen on the ground that they have been working for a long period under the prohibited category given in notifications dated 09.12.1976 and 08.09.1994 but the first party has argued that the said notifications were challenged in the Uttarakhand High Court in Writ Petition (M/S) No. 1323 of 2013, ONGC Dehradun V/s Union of India and the Uttarakhand High Court vide judgement dated 15.02.2018 quashed the notification dated 08.09.1994. The notification dated 09.12.1976 was also of similar nature and the notification dated 08.09.1994 was issued in continuation of notification dated 09.12.1976. Therefore, after quashing the notification dated 08.09.1994 by the Uttarakhand High Court, these workmen being the contractual labours cannot be absorbed or regularised despite the fact that they have been working for a long time. It has been admitted by the workmen in their evidence that they were engaged by the contractor and the wages were also paid by the contractor.

13. Had these workmen been regularised or absorbed despite the fact that they were admittedly contractual labours, such recruitment absorption would be called back door entry as the ONGC being the State Instrumentality is bound by the due procedure of recruitment.

14. Thus the reference has no force and liable to be dismissed. All the issues are decided accordingly. The second party union and their workmen are not entitled for any relief.

15. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 507.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33ए के अनुसरण में केन्द्रीय सरकार मैसर्स ऐयर इंडिया सेट्स ऐयरपोर्ट लिमिटेड प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 48/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.03.2019 को प्राप्त हुआ था।

[सं. एल-20013/02/2019-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th March, 2019

S.O. 507.—In pursuance of Section 33A of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi (Ref. No. 48/2014) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Sats Airport Services Pvt. Ltd., and their workmen, which was received by the Central Government on 12.03.2019.

[No. L-20013/02/2019 -IR(C-1)]

M. K. SINGH, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA : PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No. 1, DWARKA COURTS COMPLEX : NEW DELHI

ID No. 48/2014

Krishan Kumar s/o. Shri Rishal Singh,
R/o. 3327/A-64. Anand Nagar,
Riwari, Haryana

...Workman/Claimant

Versus

1. The Chairman,
Air India Ltd.(Erstwhile Indian Airlines Ltd.),
IGI Airport,
New Delhi

2. The Management of
M/s. Air India Sats Airport Services Pvt. Ltd.
A-63, IGI Airport Road, NH-08,
Mahipalpur (Hotel Touras),
New Delhi 110037.

... Management

AWARD

This Award shall dispose of a complaint/application filed by the workman Krishan Kumar under Section 33-A of the Industrial Disputes Act, 1947 (in short the Act) with the averments that the workman was employed by Management No.2 vide letter dated 3/12/2011 as Customer Care Representative and since then he had been serving the Management most sincerely and honestly. His monthly wages were Rs.8500/- and his service record was unblemished. The management has been adopting hire and fire policy of terminating the services of the workman. The workmen of the Management establishment formed a Union in the name & style of Air India Sats Employees Union. The workers of the establishment through its Union raised an Industrial dispute before the Conciliation Officer on 22/6/2012 which was registered as ALC-HQ/45(7)/12. The conciliation proceedings were initiated and on failure thereof, the proceedings were concluded on 1/5/2013. It is pleaded that photo identity card issued by BCSA – a Govt. Agency to enter the IGI Airport for performing duty by the workman herein had expired on 10/1/2013 including 8 days extended period and so the workman had submitted his duly filled airport entry form for new PIC to the Pass Section of the Management 45 days prior to the expiry of his old PIC but the Management failed to take follow up action, with the result that the workman could not enter the IGI Airport on or after 11/1/2013. It is pleaded that the Management terminated the services of the workman vide letter dated 24/1/2013 on the ground of his long absenteeism. It is also pleaded that the workman vide his letter dated 19/3/2013 requested the Management to reconsider his illegal & wrongful termination order dated 24/1/2013 but the Management did not respond. Since the Management has terminated the services of the workman without taking the express permission in writing of the competent authority, therefore the termination order of the workman is non-operative and void ab initio. Services of the workman were illegally terminated by the Management without any notice, notice pay, retrenchment compensation and even without affording him any opportunity. Management No.1 is having 50 per cent share in the Management No.2 company in which the workman was employed and therefore, the Management No.1 and 2 both are jointly and severally liable for contravention of the provisions of Section 33 of the Act. The workman approached the Conciliation Officer but to no avail and as such, the Conciliation Officer issued certificate, permitting the workman to raise a dispute before this Tribunal. It is pleaded that the workman is unemployed since the day of his illegal & unjustified termination of service. Prayer has been made for directing the Management to reinstate the workman with full back wages alongwith all the consequential benefits.

2. The claim petition has been resisted by the Management No.1 who filed its written statement and took preliminary objections inter-alia that the Claimant has no locus standi to raise industrial dispute against the Management No.1, as the Workman was never employed by Management no.1 and further that Management no.2 company is having a separate legal entity which was incorporated on 20/4/2010. Since the claimant is himself claiming to be the employee of Management No.2 and is not on the roll of the Management No.1, the workman has no locus standi to raise any complaint or dispute against Management No.1 and as such, the complaint is liable to be dismissed. Prayer has been made for dismissal of the claim petition.

3. Management No.2 also contested the claim petition by filing separate written statement and took preliminary objections that the Management did not violate any terms & conditions of the employment of the claimant during pendency of any industrial dispute and as such there was no need to seek any approval or permission under Section 33 of the Act. It was clearly stipulated in the letter of engagement which was a fixed term contract, that in case of employee's absence from work for a continuous period of 8 days without obtaining the prior approval of the company or over staying the sanctioned leave beyond a period of 8 days without prior permission, the workman's engagement shall be liable to be terminated without notice. It has been alleged that the claimant lost his interest in the service and therefore, he started abstaining from work without information and prior approval and in these circumstances, the Management relieved him from service in accordance with the terms of employment. It has been alleged that there was no need to serve any notice or notice pay, retrenchment compensation or affording him opportunity to allow him duty before relieving him from services, as the complainant has been relieved from services in terms of empowerment. It is alleged that the present complaint under Section 33-A of the Act is not maintainable. Prayer has been made for dismissal of the complaint.

4. On the pleadings of the parties, following issues were framed on 9/7/2015 :-

- 1) Whether there exists relationship of employee/employer relationship between the claimant and Management No.1 as alleged ?
- 2) Whether services of the claimant has been terminated in violation of provisions of Section 33 of the Industrial Disputes Act, 1947 ?
- 3) Whether the claim is not legally maintainable under Section 33-A of the Act ?

5. The Complainant/workman in support of his case examined himself as W.W.1 and tendered his affidavit Ex.WW1/A and relied on the documents Ex.WW1/1 to WW1/7.

6. On the other hand, Management No.2 in order to rebut the case of the claimant examined Shri Alok Chatterjee, Senior Manager (IR) as MW1 who tendered his evidence by way of affidavit Ex.MW1/A and relied on the document Ex.MW1/1 to Ex.MW1/3. Management No.1 examined Ms. Paramjeet Sethi, Assistant General Manager (Personnel) who tendered her affidavit in evidence as Ex.MW2/A.

7. I have heard Shri Maya Ram, A/R for the claimant Union; Shri Kamal Kant Tyagi, A/R for Management No. 1 and Shri Man Mohan, A/R for Management No.2. and have also gone through the evidence adduced on record by the parties. My findings on the above issues are as follows.

Issue No.1 :-

8. An objection has been taken by the Management No.1 that there does not exist any relationship of employer-employee between the claimant and Management no.1 Air India Ltd., because the claimant is himself claiming to be the employee of Management No.2 and was never employed by Management No.1.

9. As per pleadings and evidence adduced on record, it is evident that the claimant was engaged by the Management no.2 – a Pvt. Ltd. company and the said company having been incorporated on 20/4/2010 is having a separate legal entity, whereas the Management No.1 Air India Ltd. is a distinct entity. Even as per testimony of WW1 Krishan Kumar –claimant, appointment letter Ex.WW1/1 as also termination letter Ex.WW1/3 were issued to him by Management no.2 company. This being so, I find much force in the contention of the Management No.1 that there does not exist any relationship of employee-employer between the claimant herein and Management no.1. Accordingly, this issue is decided in favour of the Management No.1 and against the claimant.

Issue No.2 and 3 :-

10. Both these issues are taken up together as they can be disposed of by a common discussion.

11. During the course of arguments, learned A/R for the Management strenuously argued that the present complaint under Section 33-A of the Act is not maintainable as no cause of action has arisen during pendency of any industrial dispute before this Tribunal.

12. At the outset I may mention that Section 33 of the Act clearly provides that during pendency of the proceedings either before the Conciliation Officer or Labour Court or Industrial Tribunal, no employer shall alter or change the conditions of service of the workman without written permission/approval from the authority before which such proceedings are pending. In case of contravention of the provisions of Section 33 by any employer, aggrieved employee has been given a right to make a complaint in writing under Section 33-A of the Act before the Authority before whom such proceedings were pending at the time of retrenchment/discharge etc. of the workman.

13. Section 33-A of the Act enjoins upon the Industrial Adjudicator a twin duty – the first is to find out as to whether the employer has contravened the provisions of Section 33 and to answer the question as to whether the dismissal or such other punishment as may have been imposed upon the workman is justified in law.

14. It is manifest from the pleadings of the parties as well as documents Ex.WW1/1 (appointment letter) and Ex.WW1/6 (termination letter) that the claimant was appointed as Customer Service Representative on 03/12/2011 and prior to his termination w.e.f. 24/1/2013, he was working as such with the Management No.2. As such, there existed relationship of employer-employee between the claimant herein and Management No.2.

15. It has been pleaded and testified by the workman that the Management No.2 has terminated his services during the pendency of the conciliation proceedings of industrial dispute No.ALC-HQ-45(7)/12 before the Assistant Labour Commissioner/ Conciliation officer. It is evident from the certificate Ex.WW1/2 – failure conciliation report – issued by the office of Regional Labour Commissioner that proceedings in relation to industrial dispute between Air India Sats Employees Union and the Management herein ended in failure of settlement on **15th May, 2013** which impliedly means

that conciliation proceedings were still pending when the services of the claimant herein were disengaged/terminated on 24/1/2013 **without any express permission from the Competent Authority.** MW1 Shri Alok Chatterjee – sole witness examined by the Management admitted that no approval application was filed by the Management before ALC but volunteered that it was not required under Section 33 of the Act as no terms & conditions of the claimant was altered. Needless to mention that discharge/dismissal of the workman from employment, without complying with the provisions of Section 33(2)(b) of the Act, by an employer amounts to altering the terms & conditions of his employment. All these facts clearly indicate that the Management establishment has contravened the provisions of Section 33, As such, the claim petition under Section 33-A of the Act is legally maintainable.

16. Now the question arises for consideration is whether the dismissal/termination of the claimant from services on 24/1/2013 is justified in law or not.

17. Admittedly the claimant was appointed as Customer Care Representative on 3/12/2011 and at the time of termination from service on 24/1/2013, he was working as such with the Management No.2. As per the testimony of the workman/claimant, photo identity card issued by BCSA – a Govt. Agency to enter the IGI Airport so as to enable him to perform duty, had expired on 10/1/2013 including 8 days extended period and so the workman had submitted his duly filled airport entry form for new PIC to the Pass Section of the Management 45 days prior to the expiry of his old PIC but the Management failed to take follow up action, with the result that the workman could not enter the IGI Airport on or after 11/1/2013. MW1- Alok Chatterjee could not say if the Airport Entry Pass of the claimant expired on 10/1/2013 but volunteered that it was the responsibility of the workman to submit the duly filled AEP form to the management for renewal. He admitted that workers can not perform their duties at the Airport without a valid AEP. He also admitted that the claimant herein was issued renewed AEP (Ex.WW1/2) only on 13/2/2013.

18. From the evidence adduced on record as discussed above, it can be summarised that without a valid AEP Airport Entry Pass, no worker can perform his/her duty at the Airport. Airport Entry Pass of the claimant herein had expired on 10/1/2013 and renewed AEP (WW1/2) was issued to the claimant only on 13/2/2013. It is matter of record that Management No.2 had terminated the services of the workman vide letter dated 24/1/2013 (Ex.WW1/3) on the ground of his long absenteeism. In cross examination, WW1 Krishan Kumar- claimant clarified that he had received the letter of termination in February, 2013. The Management vide letter dated 24/1/2013 (Ex.WW1/3) had conveyed to the claimant that his services were terminated with immediate effect **due to long Absenteeism.** It is pertinent to mention here that in the termination letter Ex.WW1/3, the Management has not detailed the period of absence from duty by the claimant. During the course of arguments, learned A/R for the Management wanted to stress that it was the claimant/workman herein had abandoned the job voluntarily, inasmuch as the workman himself remained absent unauthorisedly w.e.f. 11/1/2013. Once the claimant herein was not issued renewed Airport Entry Pass for the period w.e.f.11/1/2013 to 13/2/2013, it will be improper to conclude that the workman himself absented from duty during the aforesaid period. Even if it is assumed for the sake of arguments that the claimant had abandoned the job and remained absent from duty unauthorisedly w.e.f. 11/1/2013 onward, in such a situation also, the Management No.2 was required to issued call back notice to the claimant before terminating his services. This course of action has not been adopted by the Management No.2 for the reasons best known to it. It is fairly settled that the plea of abandonment taken by the Management is not sustainable if the Management had not issued any notice asking the workman to report for duty, followed by conducting of regular enquiry to hold the workman guilty of absenteeism. Reliance in this respect may be made to the decision in the case of **Kali Ram Vs. Presiding Officer & another, 2017 LLR 95 (P & H) and of Inderdev Yadav Vs. Govt. of NCT, 2015 LLR 1138 (Delhi).**

19. It is reiterated that the Management No.2 has not issued any notice, calling back the workman/claimant to report for duty or that any domestic enquiry was conducted by the Management No.2 against the workman /claimant to prove misconduct of unauthorized absence on the part of the claimant/workman. The claimant vide his letter dated 19/3/2013 (Ex.WW1/4) had explained reasons for non performance of duty w.e.f. 11/1/2013 due to non renewal of his Airport Entry Pass and had requested the Management No.2 for doing justice to him. The workman has proved on record the postal receipt Ex.WW1/5 regarding dispatch of the aforesaid letter Ex.WW1/4.

20. Since the Management company had neither issued any call back notice to the claimant nor had conducted any domestic enquiry against the workman /claimant qua his misconduct of unauthorized absence from duty, the plea of abandonment taken by the Management is not at all acceptable.

21. It is fairly settled that conditions contained in the proviso to Section 33(2)(b) of the Act are mandatory in nature and non-compliance of the same would render the order of discharge or dismissal void or inoperative. To this view, I am fortified by the decision as reported in **2003 LLR 68 Indian Telephone Industries Ltd.Vs. PrabhakarH.Manvare.**

The Management No.2 company has terminated the services of the workman on 24/1/2013, without any approval from the Competent Authority and without payment of wages for one month, as provided under Section 33(2)(b) of the Act. On the contrary, the plea of the workman/claimant that he was unable to perform duty w.e.f.11/1/2013 onwards owing to non renewal of his Airport Entry Pass, is acceptable. Consequently, this Tribunal has no hesitation to hold that action of the Management in dismissing/terminating the services of the claimant him vide letter dated 24/1/2013 (Ex.WW1/3) is illegal and void.

22. Now the residual question is whether the claimant/work is entitled to any incidental relief of payment of back wages and/or reinstatement of service with full back wages. It is proved on record that claimant was continuously in the employment of the Management since 03/12/2011. There is no show cause notice or charge-sheet issued to the claimant/workman by the Management. Moreover, the job of the workman is of perennial and regular nature as he was serving as Customer Services Representative. The claimant has pleaded and testified that he is totally unemployed since the day of his termination from service. Provisions of Section 33(2)(b) of the Act are almost akin to the provisions of Section 25-F of the Act as both these provisions lay down certain conditions precedent to the retrenchment/discharge of workmen and also requires the employer to give one month's wages in lieu of notice.

23. The Hon'ble Apex Court in case "Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya" reported as (2013) 10 SCC 324 has held as under :

"The propositions which can be culled out from the aforementioned judgments are :

- (i) In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.
- (ii) Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then I has to plead and also lead cogent evidence to prove that the employee/workman wads gainfully employed and was getting wages equal to the wages he/she wads drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments."

24. The Hon'ble Apex Court also held that different expressions are used for describing the consequence of termination of a workman's service/employment/engagement by way of retrenchment without complying with the mandate of Section 25-F of the Act. Sometimes it has been termed as ab initio void, sometimes as illegal per se, sometime as nullity and sometimes as non est. Leaving aside the legal semantics, we have no hesitation to hold that termination of service of an employee by way of retrenchment without complying with the requirement of giving one month's notice or pay in lieu thereof and compensation in terms of Section 25F (a) and (b) has the effect of rendering the action of the employer and nullity and the employee is entitled to continue in employment as if his service was not terminated. (Anoop Sharma Vs. Executive Engineer, Public Health Division No.1 Panipat (2010) 5 SCC 497).

25. A Bench of three Judges of the Hon'ble Supreme Court in the case of Hindustan Tin Works Private Limited v. Employees of Hindustan Tin Works Private Limited (1979) 2 SCC 80 held that relief of reinstatement with continuity of service can be granted where termination of service is found to be invalid. It would mean that the employer has taken away illegally the right to work of the workman contrary to the relevant law or in breach of contract and simultaneously deprived the workman of his earnings. If thus the act of employer is found to be totally illegal and arbitrary, in that eventuality the workman is required to be reinstated, with full back wages. Plain common sense also dictates that the removal of an order terminating the services of workmen must ordinarily lead to the reinstatement of the services of the workmen alongwith payment of back wages.

26. However, Hon'ble Apex Court in the case of General Manager, Harvana Roadways Vs. Rudan Singh, reported as 2005 SCC (L&S) 716 observed as under :-

"8. There is no rule of thumb that in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of Section 25-F of the Act, entire back wages should be awarded. A host of factors like the manner and method of selection and appointment i.e. whether after proper advertisement of the vacancy or inviting applications from the employment exchange, nature of appointment namely, whether ad

hoc, short term, daily wage, temporary or permanent in character, any special qualification required for the job and the like should be weighed and balanced in taking a decision regarding award of back wages. *One of the important factors which has to be taken into consideration is the length of service, which the workman had rendered with the employer. If the workman has rendered a considerable period of service and his services are wrongfully terminated, he may be awarded full or partial back wages keeping in view the fact that at this age and the qualification possessed by him he may not be in a position to get another employment. However, where the total length of service rendered by a workman is very small, the award of back wages for the complete period i.e. from the date of termination till the date of the award, which our experience shows is often quite large, would be wholly inappropriate. A regular service of permanent character cannot be compared to short or intermittent daily wage employment though it may be for 240 days in a calendar year.*”

27. Yet in another latest case of **Bholanath Lal and others Vs. Shree Om Enterprises (P) Ltd., Manu/DE/1922/2018** (decided on 10/5/2018), Hon’ble High Court of Delhi while considering the question of illegal termination and reinstatement held as under :-

“The cases in which the competent court or tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the court or tribunal concerned will be fully justified in directing payment of full back wages. In such cases, the superior courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc. merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer’s obligation to pay the same. The courts must always keep in view that that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and the sufferer is the employee./workman and there is no justification to give a premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/ workman his dues in the form of full back wages.”

A similar view has been taken in the case of **Delhi Jal Board Vs. Vimal Kumar (decided on 5-4-2018) MANU/de/1322/2018** wherein service of a casual driver was terminated without any notice or payment of one month’s salary in lieu of such notice. The Industrial Tribunal answering the reference held the action of the management to be illegal and in violation of Section 25-F of the Act. The Award was upheld by Hon’ble High Court of Delhi by observing as under :-

“In view of the above discussion, I am unable to discern any illegality or infirmity in the impugned Award, dated 29th May, 2003, of the Labour Court, to the extent that it holds the termination of the services of the respondent, by the petitioner, to be illegal and unlawful. I am entirely in agreement with the finding, of the Labour Court, that the services of the respondent were retrenched in violation of Section 25-F of the ID Act and that, therefore, he was entitled to be reinstated in service with all consequential benefits. In view of the fact that going by the age of the respondent as disclosed in the counter affidavit filed before this Court, he would, today, be only 50 years of age, and also in view of the fact that the termination of his services as SCM Driver was not on account of any deficiency or shortcoming detected in the manner of discharge by the respondent, of his duties as such, I am of the opinion, that the facts of the present case, do not warrant any interference with the direction, of the Labour Court, to the petitioner to reinstate the respondent in service with the benefit of continuity of service. The petitioner is, therefore, directed to reinstate the respondent in service forthwith.

Inasmuch as the respondent has not been rendering any service to the petitioner since the date of his termination, however, the back wages payable to the respondent would be limited to 50 per cent of the wages which he would have drawn he had continued to serve the petitioner.....”

28. Having regard to the legal position as discussed above and the fact that the claimant was performing duty to a post of regular and perennial nature, this Tribunal is of the firm view that the claimant herein is entitled for reinstatement into service on the same post, with 50 per cent back wages, inasmuch as termination of the claimant/workman is per-se illegal and the claimant/workman is not gainfully employed anywhere since after his termination by the Management No.2. Award is passed accordingly against Management No. 2.

Date : 7.3.2019

AVTAR CHAND DOGRA , Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 508.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33 ऐ के अनुसरण में केन्द्रीय सरकार मैसर्स ऐयर इंडिया सेटस ऐयरपोर्ट लिमिटेड प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 10/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.03.2019 को प्राप्त हुआ था।

[सं. एल-20013/02/2019-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th March, 2019

S.O. 508.—In pursuance of Section 33A of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi (Ref. No. 10/2014) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Sats Airport Services Pvt. Ltd., and their workmen, which was received by the Central Government on 12.03.2019.

[No. L-20013/02/2019 -IR(CM-1)]

M. K. SINGH, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA : PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT No. 1, DWARKA COURTS COMPLEX : NEW DELHI

ID No. 10/2014

Ajay Kumar Yadav s/o. Shri Ved Prakash Yadav,
Gali No. 3, Gulabi Bagh,
Near Gomti Public School,
Old Power House, Kutubpur,
Riwari (Haryana).

...Workman/Claimant

Versus

1. The Chairman,
Air India Ltd.(Erstwhile Indian Airlines Ltd.),
IGI Airport,
New Delhi
2. Senior Vice President,
M/s. Air India Sats Airport Services Pvt. Ltd.
A-63, IGI Airport Road, Mahipalpur Road,
New Delhi 110037.

... Management

AWARD

This Award shall dispose of a complaint/application filed by the workman Ajay Kumar Yadav under Section 33-A of the Industrial Disputes Act, 1947 (in short the Act) with the averments that the workman was employed by Management No.2 vide letter dated 24/12/2010 as Baggage Assistant and since then he had been serving the Management most sincerely and honestly. His monthly wages were Rs.8256/- and his service record was unblemished. The management has been adopting hire and fire policy of terminating the services of the workman. The workmen of the Management establishment formed a Union in the name & style of Air India Sats Employees Union and the workman is elected office bearer of the said Union. The workers of the establishment through its Union raised an Industrial dispute before the Conciliation Officer on 22/6/2012 which was registered as ALC-HQ/45(7)/12. The conciliation proceedings were initiated and on failure thereof, the proceedings were concluded on 15/5/2013. It is pleaded that the workman unfortunately fell ill on 2/1/2013 and due to his sickness he could not report for duty w.e.f.

2/1/2013 to 29/1/2013. During the period of his sickness, the Management terminated the services of the workman vide letter dated 24/1/2013 on the ground of his long absenteeism. Since the Management has terminated the services of the workman without taking the express permission in writing of the competent authority, therefore the termination order of the workman is non-operative and void ab initio. Services of the workman were illegally terminated by the Management without any notice, notice pay, retrenchment compensation and even without affording him any opportunity. Management No.1 is having 50 per cent share in the Management No.2 company in which the workman was employed and therefore, the Management No.1 and 2 both are jointly and severally liable for contravention of the provisions of Section 33 of the Act. The workman approached the Conciliation Officer but to no avail and as such, the Conciliation Officer issued certificate, permitting the workman to raise a dispute before this Tribunal. It is pleaded that the workman is unemployed since the day of his illegal & unjustified termination of service. Prayer has been made for directing the Management to reinstate the workman with full back wages alongwith all the consequential benefits.

2. The claim petition has been resisted by the Management No.1 who filed its written statement and took preliminary objections inter-alia that the Claimant has no locus standi to raise industrial dispute against the Management No.1, as the Workman was never employed by Management no.1 and further that Management no.2 company is having a separate legal entity which was incorporated on 20/4/2010. Since the claimant is himself claiming to be the employee of Management No.2 and is not on the roll of the Management No.1, the workman has no locus standi to raise any complaint or dispute against Management No.1 and as such, the complaint is liable to be dismissed. Prayer has been made for dismissal of the claim petition.

3. Management No.2 also contested the claim petition by filing separate written statement and took preliminary objections that the Management did not violate any terms & conditions of the employment of the claimant during pendency of any industrial dispute and as such there was no need to seek any approval or permission under Section 33 of the Act. In fact the complainant himself left the employment voluntarily without assigning any reason or any information and has no interest in the employment. Complainant/workman is trying to get the benefit of his own wrongs as there was no change in his service condition and no stigma has been imposed by the Management on complainant. It has been alleged that there was no need to serve any notice or notice pay, retrenchment compensation or affording him opportunity to allow him duty before relieving him from services, as the complainant has been relieved from services in terms of empowerment. It is alleged that the present complaint under Section 33-A of the Act is not maintainable because the Conciliation Officer had allowed complainant to file case under Section 2-A, instead under Section 33-A of the Act. Prayer has been made for dismissal of the complaint.

4. On the pleadings of the parties, following issues were framed on 20/1/2015 :-

1. Whether the termination order dated 24/2/2013 is invalid and void ab initio ?
2. Whether there is any privity of contract between the claimant and the Management (sic.Management No.1) ?

An additional issue viz. Issue No.1-A was framed on 16/3/2016 which reads as under :-

- 1-a) Whether the application is not maintainable before the Tribunal under the law as alleged?

5. The Complainant/workman in support of his case examined himself as W.W.1 and tendered his affidavit Ex.WW1/A and relied on the documents Ex.WW1/1 to WW1/8.

6. On the other hand, Management No.1 in order to rebut the case of the claimant examined Shri Alok Chatterjee, Senior Manager (IR) as MW1 who tendered his evidence by way of affidavit Ex.MW1/A and relied on the document Ex.MW1/1.

7. I have heard Shri Maya Ram, A/R for the claimant Union; Shri Ranjan Jha, A/R for Management No1 and Shri S.P.Dass, A/R for Management No.2. and have also gone through the evidence adduced on record by the parties. My findings on the above issues are as follows.

Issue No.2 :-

8. An objection has been taken by the Management No.1 that there is no privity of contract between the claimant and the Management, because the claimant is himself claiming to be the employee of Management No. 2 and was never employed by Management No.1.

9. As per pleadings and evidence adduced on record, it is evident that the claimant was engaged by the Management no. 2 – a Pvt. Ltd. company and the said company having been incorporated on 20/4/2010 is having a separate legal entity, whereas the Management No.1 Air India Ltd. is a distinct entity. Even the claimant Ajay Kumar Yadav (WW1) admitted that appointment letter Ex.WW1/1 as also termination letter Ex.WW1/6 were issued to him by Management no.2 company. This being so, I find much force in the contention of the Management No.1 that there is no privity of contract between the claimant herein and Management no.1. Accordingly, this issue is decided in favour of the Management No.1 and against the claimant.

Issue No.1-A :-

10. During the course of arguments, learned A/R for the Management strenuously argued that the present complaint under Section 33-A of the Act is not maintainable because the Conciliation Officer had allowed the workman/complainant to file case under Section 2-A of the Act instead under Section 33-A of the Act. I may mention that provisions of Section 2-A were incorporated in order to enable the aggrieved workman to approach Labour Court/Industrial Tribunal **directly without requirement of reference by Government in case of his dismissal/discharge/termination etc. from service**, whereas reference for such a dispute is made by the Appropriate Government under Section 10 of the Act. Once a reference is received, the same is required to be answered by the Court/Tribunal. I may also mention that the complaint made under Section 33-A of the Act has to be dealt with as a reference under Section 10 of the Act. Reference in this respect may be made to the decision of the Apex Court in the case of **Management of Karur Vyasa Bank Ltd. Vs. S. Balakrishnan, 2016(12) SCC 221 (para 4 of that judgement)**. As such, contention of the Management that the present complaint under Section 33-A of the Act is not maintainable, can not be accepted inasmuch dispute raised is whether the **termination of the workman is legal and justified or not**, which is one of the important ingredients/factors in deciding the complaint under Section 33-A of the Act and further that no prejudice is going to be caused to the Management in case the claimant/workman has filed the instant claim under Section 33-A of the Act instead under Section 2-A of the Act. This issue is therefore decided against the Management.

Issue No.1 :-

10. At the outset I may mention that Section 33 of the Act clearly provides that during pendency of the proceedings either before the Conciliation Officer or Labour Court or Industrial Tribunal, no employer shall alter or change the conditions of service of the workman without written permission/approval from the authority before which such proceedings are pending. In case of contravention of the provisions of Section 33 by any employer, aggrieved employee has been given a right to make a complaint in writing under Section 33-A of the Act before the Authority before whom such proceedings were pending at the time of retrenchment/discharge etc. of the workman.

11. Section 33-A of the Act enjoins upon the Industrial Adjudicator a twin duty – the first is to find out as to whether the employer has contravened the provisions of Section 33 and to answer the question as to whether the dismissal or such other punishment as may have been imposed upon the workman is justified in law.

12. It is manifest from the pleadings of the parties as well as documents Ex.WW1/1 (appointment letter) and Ex.WW1/6 (termination letter) that the claimant was appointed as Baggage Assistant on 24/12/2010 and prior to his termination w.e.f. 24/1/2013, he was working as Customer Services Representative with the Management No. 2. As such, there existed relationship of employer-employee between the claimant herein and Management No. 2.

13. It has been pleaded and testified by the workman that the Management has terminated his services during the pendency of the conciliation proceedings of industrial dispute No.ALC-HQ-45(7)/12 before the Assistant Labour Commissioner/ Conciliation officer. It is evident from the certificate Ex.WW1/2 – failure conciliation report – issued by the office of Regional Labour Commissioner that proceedings in relation to industrial dispute between Air India Sats Employees Union and the Management herein ended in failure of settlement **on 15th May, 2013** which impliedly means

that conciliation proceedings were still pending when the services of the claimant herein were disengaged/terminated on 24/1/2013 **without any express permission from the Competent Authority.** MW1 Shri Alok Chatterjee – sole witness examined by the Management admitted that no approval application was filed by the Management before ALC but volunteered that it was not required under Section 33 of the Act as no terms & conditions of the claimant was altered. Needless to mention that discharge/dismissal of the workman from employment, without complying with the provisions of Section 33(2)(b) of the Act, by an employer amounts to altering the terms & conditions of his employment. All these facts clearly indicate that the Management establishment has contravened the provisions of Section 33,

14. Now the question arises for consideration is whether the dismissal/termination of the claimant from services on 24/1/2013 is justified in law or not.

15. Admittedly the claimant was appointed as Baggage Assistant on 24/12/2010 and at the time of termination from service on 24/1/2013, he was working as Customer Services under the Management. As per the testimony of the workman/claimant, he unfortunately fell ill on 2/1/2013 and due to his sickness he could not report for duty w.e.f. 2/1/2013 to 29/1/2013 but during the period of his sickness, the Management terminated his services vide letter dated 24/1/2013 (Ex.WW1/6). However, he has not filed on record any document to show that he had intimated the Management regarding his sickness and/or about long absence from duty. Any how, the Management vide letter dated 24/1/2013 (Ex.WW1/6) had conveyed to the claimant that his services were terminated with immediate effect **due to long Absenteeism.** It is pertinent to mention here that in the termination letter Ex.WW1/6, the Management has not detailed the period of absence from duty by the claimant. However, in the written statement the Management has pleaded that **in fact the claimant himself left the employment voluntarily, without assigning any reason** or any information and as such he was relieved from services vide letter dated 24/1/2013. During the course of arguments, learned A/R for the Management wanted to stress that it was the claimant/workman herein who abandoned the job voluntarily, inasmuch as the workman himself remained absent unauthorisedly w.e.f. 2/1/2013. It is fairly settled that the plea of abandonment taken by the Management is not sustainable if the Management had not issued any notice asking the workman to report for duty, followed by conducting of regular enquiry to hold the workman guilty of absenteeism. Reliance in this respect may be made to the decision in the case of **Kali Ram Vs. Presiding Officer & another, 2017 LLR 95 (P & H) and of Inderdev Yadav Vs. Govt. of NCT, 2015 LLR 1138 (Delhi).**

16. There is nothing on record to show that the Management had issued any notice, calling back the workman/claimant to report for duty or that any domestic enquiry was conducted by the Management against the workman /claimant to prove misconduct of unauthorized absence on the part of the claimant/workman. Even, MW1 Alok Chatterjee has admitted in his cross examination that no show cause notice or retrenchment compensation was paid to the claimant at the time of his termination. On the other hand, the claimant vide his letter dated 6/2/2013 (Ex.WW1/3) had requested the management to allow him to join duty with immediate effect and in the said letter he had specifically stated that on 30/1/2012 (sic.30/1/2013) he reported for duty but the Management did not allow him to join duty. The workman has proved on record the postal receipt Ex.WW1/4 regarding dispatch of the aforesaid letter Ex.WW1/3. It is noteworthy that MW1-Alok Chatterjee has admitted that Ex.WW1/3 bears the correct address of the Management company.

17. Since the Management company had neither issued any call back notice to the claimant nor had conducted any domestic enquiry against the workman /claimant qua his misconduct of unauthorized absence from duty, the plea of abandonment taken by the Management is not at all acceptable.

18. Equally settled is the law that conditions contained in the proviso to Section 33(2)(b) of the Act are mandatory in nature and non-compliance of the same would render the order of discharge or dismissal etc. void or inoperative. To this view, I am fortified by the decision as reported in **2003 LLR 68 Indian Telephone Industries Ltd.Vs. Prabhakar H.Manvare.** The Management company has terminated the services of the workman, without any approval from the Competent Authority and without payment of wages for one month, as provided under Section 33(2)(b) of the Act. On the contrary, the plea of the workman/claimant that he was not allowed to perform duty without sufficient cause, is acceptable. Consequently, this Tribunal has no hesitation to hold that action of the Management in dismissing/terminating the services of the claimant him vide letter dated 24/1/2013 (Ex.WW1/6) is illegal and void.

20. Now the residual question is whether the claimant/work is entitled to any incidental relief of payment of back wages and/or reinstatement of service with full back wages. It is proved on record that claimant was continuously in the

employment of the Management since 24/12/2010. There is no show cause notice or charge-sheet issued to the claimant/workman by the Management. Moreover, the job of the workman is of perennial and regular nature as he was serving as Customer Services Representative. The claimant has pleaded and testified that he is totally unemployed since the day of his termination from service. Provisions of Section 33(2)(b) of the Act are almost akin to the provisions of Section 25-F of the Act as both these provisions lay down certain conditions precedent to the retrenchment/discharge of workmen and also requires the employer to give one month's wages in lieu of notice.

19) The Hon'ble Apex Court in case "Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya" reported as (2013) 10 SCC 324 has held as under :

"The propositions which can be culled out from the aforementioned judgments are :

- (i) In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.
- (ii) Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then I has to plead and also lead cogent evidence to prove that the employee/workman wads gainfully employed and was getting wages equal to the wages he/she wads drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments."

20. The Hon'ble Apex Court also held that different expressions are used for describing the consequence of termination of a workman's service/employment/engagement by way of retrenchment without complying with the mandate of Section 25-F of the Act. Sometimes it has been termed as ab initio void, sometimes as illegal per se, sometime as nullity and sometimes as non est. Leaving aside the legal semantics, we have no hesitation to hold that termination of service of an employee by way of retrenchment without complying with the requirement of giving one month's notice or pay in lieu thereof and compensation in terms of Section 25F (a) and (b) has the effect of rendering the action of the employer and nullity and the employee is entitled to continue in employment as if his service was not terminated. (Anoop Sharma Vs. Executive Engineer, Public Health Division No.1 Panipat (2010) 5 SCC 497).

21. A Bench of three Judges of the Hon'ble Supreme Court in the case of Hindustan Tin Works Private Limited v. Employees of Hindustan Tin Works Private Limited (1979) 2 SCC 80 held that relief of reinstatement with continuity of service can be granted where termination of service is found to be invalid. It would mean that the employer has taken away illegally the right to work of the workman contrary to the relevant law or in breach of contract and simultaneously deprived the workman of his earnings. If thus the act of employer is found to be totally illegal and arbitrary, in that eventuality the workman is required to be reinstated, with full back wages. Plain common sense also dictates that the removal of an order terminating the services of workmen must ordinarily lead to the reinstatement of the services of the workmen alongwith payment of back wages.

22. However, Hon'ble Apex Court in the case of General Manager, Haryana Roadways Vs. Rudan Singh, reported as 2005 SCC (L&S) 716 observed as under :-

"8. There is no rule of thumb that in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of Section 25-F of the Act, entire back wages should be awarded. A host of factors like the manner and method of selection and appointment i.e. whether after proper advertisement of the vacancy or inviting applications from the employment exchange, nature of appointment namely, whether ad hoc, short term, daily wage, temporary or permanent in character, any special qualification required for the job and the like should be weighed and balanced in taking a decision regarding award of back wages. *One of the important factors which has to be taken into consideration is the length of service, which the workman had rendered with the employer. If the workman has rendered a considerable period of service and his services are wrongfully terminated, he may be awarded full or partial back wages keeping in view the fact that at this*

age and the qualification possessed by him he may not be in a position to get another employment. However, where the total length of service rendered by a workman is very small, the award of back wages for the complete period i.e. from the date of termination till the date of the award, which our experience shows is often quite large, would be wholly inappropriate. A regular service of permanent character cannot be compared to short or intermittent daily wage employment though it may be for 240 days in a calendar year.”

23. Yet in another latest case of **Bholanath Lal and others Vs. Shree Om Enterprises (P) Ltd., Manu/DE/1922/2018** (decided on 10/5/2018), Hon’ble High Court of Delhi while considering the question of illegal termination and reinstatement held as under :-

“The cases in which the competent court or tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the court or tribunal concerned will be fully justified in directing payment of full back wages. In such cases, the superior courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc. merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer’s obligation to pay the same. The courts must always keep in view that that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and the sufferer is the employee./workman and there is no justification to give a premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/ workman his dues in the form of full back wages.”

A similar view has been taken in the case of **Delhi Jal Board Vs. Vimal Kumar (decided on 5-4-2018) MANU/de/1322/2018** wherein service of a casual driver was terminated without any notice or payment of one month’s salary in lieu of such notice. The Industrial Tribunal answering the reference held the action of the management to be illegal and in violation of Section 25-F of the Act. The Award was upheld by Hon’ble High Court of Delhi by observing as under :-

“In view of the above discussion, I am unable to discern any illegality or infirmity in the impugned Award, dated 29th May, 2003, of the Labour Court, to the extent that it holds the termination of the services of the respondent, by the petitioner, to be illegal and unlawful. I am entirely in agreement with the finding, of the Labour Court, that the services of the respondent were retrenched in violation of Section 25-F of the ID Act and that, therefore, he was entitled to be reinstated in service with all consequential benefits. In view of the fact that going by the age of the respondent as disclosed in the counter affidavit filed before this Court, he would, today, be only 50 years of age, and also in view of the fact that the termination of his services as SCM Driver was not on account of any deficiency or shortcoming detected in the manner of discharge by the respondent, of his duties as such, I am of the opinion, that the facts of the present case, do not warrant any interference with the direction, of the Labour Court, to the petitioner to reinstate the respondent in service with the benefit of continuity of service. The petitioner is, therefore, directed to reinstate the respondent in service forthwith.

Inasmuch as the respondent has not been rendering any service to the petitioner since the date of his termination, however, the back wages payable to the respondent would be limited to 50 per cent of the wages which he would have drawn he had continued to serve the petitioner.....”

24. Having regard to the legal position as discussed above and the fact that the claimant was performing duty to a post of regular and perennial nature, this Tribunal is of the firm view that the claimant herein is entitled for reinstatement into service on the same post, with 50 per cent back wages, inasmuch as termination of the claimant/workman is per-se illegal and the claimant/workman is not gainfully employed anywhere since after his termination by the Management No. 2. Award is passed accordingly against Management No. 2.

Date :6.3.2019

AVTAR CHAND DOGRA, Presiding Officer

नई दिल्ली, 27 मार्च, 2019

का.आ. 509.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ऐयर इंडिया सेट्स ऐयरपोर्ट लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ संख्या 145/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12.03.2019 को प्राप्त हुआ था।

[सं. एल-11012/28/2013-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th March, 2019

S.O. 509.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, New Delhi (Ref. No. 145/2013) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Sats Airport Services Pvt. Ltd., and their workmen, which was received by the Central Government on 12.03.2019.

[No. L-11012/28/2013 IR(CM-1)]

M. K. SINGH, Section Officer

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA : PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT No.1, DWARKA COURTS COMPLEX : NEW DELHI

ID No. 145/2013

Workmen as represented by
Air India Sats Employees Union,
RZG-624 Gali No. 2, Raj Nagar-2,
Palam Colony, New Delhi -77

...Workman/Claimant

Versus

1. The Management of M/s. Air India,
Air Lines House, Mahaveer Road,
New Delhi 110001.
2. The Management of
M/s. Air India Sats Airport Services Pvt. Ltd.
A-63, 2nd Floor, Hotel Taurus,
IGI Airport Road, Mahipalpur Road,
New Delhi 110037.

... Management

AWARD

This Award shall dispose of a reference which was made to this Tribunal by the Appropriate Government vide letter No.L-11012/28/2013/IR(CM-1) dated 24.10.2013 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act) for adjudication of an industrial dispute, terms of which are as under:-

‘Whether non consideration of any of the demand of union in respect of wage structure and other allowances and making a new wage structure effective arbitrarily by the Management of Air India Sats Airport Services Pvt. Ltd. during the pendency of conciliation proceedings or otherwise is legal and justified ? To what relief the workmen concerned, are entitled to ? ’

2. Both parties were put to notice and Workmen Union filed its statement of claim, with the averments that Air India Sats Airport Services Pvt. Ltd. (hereinafter referred to “Management No. 2) is a joint venture of Air India (Management No.1 herein) and Singapore Air Transport Services, to provide ground handling & other ancillary services

to Air India & other international Air Lines operating from Indira Gandhi International Airport and in India. Management No.1 being an instrumentality of Govt. of India, is having 50 per cent share in the Management No.2 company and thus, having control & supervision over the Management No.2. It is claimed that the workers of Management No.2 are entitled to wages, perks and facilities at par with the regular workers of Management No.1 as they are doing the same nature of job but they are being paid less than the minimum wages and other benefits, which their counterparts working under Management No.2 are getting. It is pleaded that the Management No.1 and 2 have no right to discriminate in the matter of payment of wages and other benefits to the workmen of Management No.2. The claimant Union had served a demand notice dated 18/5/2012 for considering the following demands of the workmen in the interest of better employer-employees relations :-

- i) pay packet of the workmen in different categories as on date be taken as basic wage;
- ii) payment of Annual increment @ 3 per cent of basic wage
- iii) fitment benefits subject to minimum 3 per cent of basic wage
- iv) variable dearness allowance @ 55 % of basic wage
- v) HRA @ 30 % of basic wage
- vi) CCA at least @ 6% of basic wage
- vii) Professional allowance at Rs.2000 per month.
- viii) Education allowance for children of employees – as per Govt. rules
- ix) Kit Maintenance allowance @ s.400/ per month.
- x) Canteen facilities on subsidise rate or Rs.1000/- per month in lieu thereof.
- xi) Conveyance allowance/fuel reimbursement at Rs.1200 per month.
- xii) Phone allowance at Rs.500/- per month
- xiii) Leave (Privilege Leave – 30; Casual Leave 12; Festival Leave 18 and Medical Leave -15)
- xiv) Night Duty Allowance – at Rs.100/- per month.
- xv) Leave Travelling allowance at par with Air India.
- xvi) Union -summer and winter uniform once in two years.
- xvii) Medical Allowance at par with Air India.
- xviii) Creation of welfare fund and formation of Welfare Committee,

The Management did not respond to the demand notice of the claimant Union and thereafter it approached the Conciliation Officer but to no avail due to adamant attitude of the Management. It is also pleaded that the workers of the Management No.2 are also entitled to receive wages and other benefits which the workers of Air India/Management No.1 are getting as they are doing the same nature of work. Prayer has been made to pass award that the workmen are entitled to wages, allowances and benefits and facilities as stated above and arrears of the same be paid within one month from the date of order.

3. The claim petition has been resisted by the Management No.1 who filed its written statement and took preliminary objections inter-alia that the the Claimant Union of Management No.2 has no locus standi to raise industrial dispute against the Management No.1, as the workmen of Management No.2 were never employed by Management no.1 and further that Management no.2 company is having a separate legal entity which was incorporated on 20/4/2010. Management No.1 has no role in the policy of Management no.2 regarding engagement of its employees, their service conditions etc. Denying the allegations of the claimant Union, it has been pleaded that no claim of equal wage for equal work exist between the workmen of two different legal entities, as the services provided by the Management No.2 are different and distinct from the work performed by the employees of Management No.1. Prayer has been made for dismissal of the claim petition.

4. Management No.2 also contested the claim petition by filing separate written statement and took preliminary objections that there is no resolution or espousal by any registered Union to raise the present dispute. It has been stated that Management No.2 has revised the wage structure & has provided certain benefits to its employees. Denying that Management No.2 is under the control and supervision of Management No.1, it has been alleged that two companies are

separate entities having separate management and separate rules & regulations. Also denying that the Management No.2 is paying less than the Minimum wages, it has been alleged that Management No.2 has revised the monthly wages of its employees from Rs.7400/- to Rs.8400/- vide a memorandum dated 6th May, 2013 and as such the demands concerning revision of basic wages, variable dearness allowance, annual increment have become irrelevant. However, other demands raised by the workmen Union are devoid of merits for want of cogent reasons. As regards canteen on subsidized rate, the Management No.2 after discussion with its employees has decided to provide cash to the category workers instead of providing them with meal vouchers. The employees of Management No.2 are already getting ESI and PF benefits. It is alleged that since there is no comparison with the employees of Management no.1 being a Govt. Public Sector Undertaking and Management No.2—a private limited company, as such demands of the workmen Union is unjust and legally not tenable. Prayer has been made for rejection of the claim petition.

5. On the pleadings of the parties, following issues were framed by my learned Predecessor on 14/3/2014 :-

- 1) Whether the dispute has not acquired character of an industrial dispute for want of espousal by a Union or considerable number of workmen in the establishment of Air India Sats Airport Services Pvt. Ltd. ?
- 2) As in terms of reference ?

6. The Claimant Union in support of its case examined three witnesses namely Ashok Kumar, Mukesh Kumar Sharma and Shri Gopal as W.W.1 to WW3 who tendered their respective affidavits Ex.WW1/A, Ex.WW2/A and Ex.WW3/A and relied on the documents Ex.WW1/1 to WW1/8..

7. On the other hand, Management No.1 in order to rebut the case of the claimant examined Ms. Paramjeet Sethi, Assistant General Manager as MW1 who tendered his evidence by way of affidavit Ex.MW1/A and relied on the document Ex.MW1/1, whereas Management No.2 examined Shri Alok Chatterjee, Senior Manager (IR) as MW2 who also tendered his evidence by way of affidavit Ex.MW2/A and relied on the documents Ex.MW2/A besides documents Ex.WW1/1 to Ex.WW1/3.

8. I have heard Shri Maya Ram, A/R for the claimant Union; Shri Kamal Kant Tyagi, A/R for Management No. 1 and Shri V.P.Gaur, A/R for Management No.2. and have also gone through the evidence adduced on record by the parties. My findings on the above issues are as follows.

Issue No.1 :-

9. An objection has been taken by the Management that there is no resolution or espousal by any registered Union to raise the present dispute and as such the claim petition is not maintainable

10. WW1 Ashok Kumar has categorically stated in his testimony that the Union has espoused the case of the workmen vide resolution/espousal Ex.WW1/3 which is dated 26/3/2012 and thereafter a demand notice dated 18/5/2012 (Ex.WW1/1) was sent to the Management No.2. This witness clarified in his cross examination that the claimant Union is a registered Union and that the resolution was passed in the General Body of the Meeting of the Union held on 26/3/2012. As such, it stands proved on record that industrial dispute of the workmen was espoused by the claimant Union vide proper resolution Ex.WW1/3. The Management has not led any evidence to the contrary. Consequently, this issue is decided against the Management and in favour of the claimant Union.

Issue No.2 :-

11. During the course of arguments, learned A/R appearing for the workmen Union strenuously argued that since Management No.2 is a subsidiary company of Management No.1 and the employees working under Management No.1 as well as working under Management No.2 are performing same/similar work, as such on the basis of principle of “equal pay for equal work”, the officials of Management No.2 are entitled to get pay parity and other allowances & benefits as are being provided to the employees of Management No.1. It was argued that a large number of employees appointed on the strength of Management No.1 are working with Management No.2 company on deputation basis and performing similar nature of duties as being performed by the claimants but such reference employees/ deputationists are getting more pay than those appointed/engaged directly by the Management No.2 which is evident from the pay slips Ex.WW1/4 to Ex.WW1/6. He also submitted that some of the Directors of Air India/Management No.1 are also the Directors of Air India Sats Pvt. Ltd./Management.2. As such, the Management No.1 and 2 have no right to discriminate in the matter of payment of wages and other benefits to the workmen of Management No.2. The officials of Management No.2 be held entitled to get pay parity & other allowances/benefits which their counterparts working under Management No.1 are getting.

12. Per contra, learned A/R for the Management No.1 and 2 have submitted that that in fact Management no.1 is a Govt. Public Sector Undertaking, whereas Management No.2 is a private limited company which was incorporation on 20/4/2010 and both the establishments are different & distinct entities for all practical purposes. There can not be any comparison between the employees of two distinct establishments and as such, principle of “equal pay for equal work” in respect of employees of two distinct establishments can not be applied. A/R for the Management No.2 further submitted that since Management No.2 vide memorandum dated 6th May, 2013 has revised the monthly wages of its employees from Rs.7400/- to Rs.8400/-, as such the demands concerning revision of basic wages, variable dearness allowance, annual increment have become irrelevant and other demands raised by the workmen Union are devoid of merits,

13. It is settled law that onus to prove discrimination by the employer lies on the person claiming parity. Undoubtedly, the doctrine of “equal pay for equal work” is not an abstract doctrine and is capable of being enforced in a court of law. But equal pay must be for equal work of equal value. The principle of “equal pay for equal work” has no mechanical application in every case. Article 14 of the Constitution of India permits reasonable classification based on qualities or characteristics of persons recruited and grouped together, as against those who were left out. Of course, the qualities or characteristics must have a reasonable relation to the object sought to be achieved. **In service matters, merit or experience can be a proper basis for classification for the purposes of pay in order to promote efficiency in administration.** To this view, I am fortified by the decision of Hon’ble Supreme Court in the case of State of Punjab Vs. Surjit Singh (2009) 9 SCC 514.

14. No doubt, the evidence adduced by the side of the claimant Union is in line with the averments made in the claim petition, wherein vague averments that its workmen are being paid wages less than the Minimum Wages have been made. The claimant Union has not led any cogent and concrete evidence to substantiate their claim that the workmen were deprived of the minimum wages by the Management No.2 at different points of time, inasmuch as none of the witnesses examined by the claimant Union deposed as to what wages were actually paid to them by the Management No.2 and what were the minimum wages of the workmen in the category of unskilled, semi-skilled or skilled workers at different points of time. All the three witnesses examined by the Claimant Union have admitted in their cross examination that prior to the year 2011 they were drawing wages at Rs.5100/- per month which was raised to Rs.7400/- per month in the year 2012. They also admitted that they are given 7 Casual leave, 7 sick leave, 21 compensatory & privilege leave with additional 10 paid holiday leave. On the other hand, the Management No.2 through the testimony of MW2 Alok Chatterjee has substantiated its plea that vide memorandum dated 6/5/2013 the wages of the employees working under Management No.,2 were revised from Rs.7400/- to Rs.8400/-. As such, plea of the claimant Union that the Management No.2 has deprived them minimum wages under Minimum Wages Act is not sustainable.

15. The claimant Union is harping on the point that the workers of Management No.2 are entitled to wages, perks and facilities at par with the regular workers of Management No.1 because they are doing the same nature of duties and responsibilities. WW1 Ashok Kumar who also happens to be the General Secretary of the claimant Union admitted that Management No.2 is a Private Limited Company which provides ground handling services for all Airlines. He also admitted that employees of Management No.2 are working in one out of three shifts, starting from 7 AM to 2.30 PM; 2-30 PM to 10-30 PM and 10.30PM to 7 AM. He deposed that travelling allowance if not available to employees of Air India/Management No.1 herein, the same will not be demand of claimants Union. According to his deposition, the workmen of Management No.2 are covered under the scheme of ESI and EPF Act. No demand notice was served upon Management No.2.

16. MW1 Ms. Paramjeet Sethi has specifically deposed that Management No.1 and 2 are having independent legal entities and that Management No.1 has no control & supervision over the establishment of Management No.2, its affairs and policies. To the same effect is the testimony of MW 2 Alok Chatterjee.

17. From the evidence adduced on record by the parties, it is manifest that Management No.2 – M/s Air India Sats Airport Services Pvt. Ltd. is a Private Limited Company, whereas Management No.1 is an instrumentality of the Govt. of India and both the establishments are having separate entities.

18. In the aforesaid facts and circumstances, short question arises for consideration before this Tribunal is whether the workers of Management No.2 are entitled to wages, perks and facilities at par with the regular workers of Management No.1 as they are allegedly doing the same nature of job but they are being paid less than the minimum wages and other benefits, which their counterparts working under Management No.2 are getting.

19. I may mention that similar issue was raised in the case of Grih Kalyan Kendra Workers’ Union Vs. UOI (1991) 1 SCC 619 – decided by Division Bench of Hon’ble Supreme Court. To be precise, facts of that case were that

the workers/employees of Grih Kalyan Kendra were being paid either as fixed salary, described as a honorarium or piece rate wages at the production centres, without there being any provision for any scale of pay or other benefits like gratuity, pension, provident fund etc. They sought parity for wages in the regular pay-scale with similarly placed employees doing the same or similar work under New Delhi Municipal Committee and employees of other departments of the Delhi Administration and Union of India. A former Chief Justice of India was requested to make recommendations after taking into consideration, firstly, whether other similarly situated employees (engaged in similar comparable posts, putting in comparable hours of work, in a comparable employment) were being paid higher pay, and if so, what should be the entitlement of the agitating employees so as not to violate the principle of “equal pay for equal work” and secondly, if there was no other similar comparable employment, whether the remuneration of the agitating employees, deserved to be revised on the ground that their remuneration was unconscionable or unfair and if so, to what extent. In the report filed by the former Chief Justice of India, it was concluded that there was no employment comparable to the employment held by those engaged by the Grih Kalyan Kendra and therefore, they could not seek parity with other employees working either with the NDMC or Delhi Admn., or the Union of India. On the basis of the said report, Hon’ble Supreme Court while declining the prayer of the petitioners/agitating workers, observed as under :-

“The concept of “equal pay for equal work” implies & requires, equal treatment for those who are similarly situated. A comparison could not be drawn between unequals. The question as to whether persons were situated equally, had to be determined by the application of broad and reasonable tests and not by way of a mathematical formula of exactitude.”

20. Similarly in the case of **Harbans Lal Vs. State of Himachal Pradesh, (1989) 4 SCC 459**, the petitioners who were working as daily-rated Carpenters (1st and 2nd grade), at Wood Working Centre of the Himachal Pradesh State Handicraft Corporation, had filed a claim seeking emoluments in terms of wages paid to their counterparts in regular Govt. Service, under the principle of “equal pay for equal work”. On the factual matrix based on the averments made in the pleadings to the effect that the Corporation with which the petitioners were employed, had no regularly employed carpenter, the claim of the petitioner was not accepted by the Hon’ble Supreme Court, observing that :-

“The discrimination complained of, **must be within the same establishment, owned by the same management.**

A comparison under the principle of “equal pay for equal work” could not be made with counterparts in other establishments, having a different management, or even with establishments in different geographical locations, though owned by the same master.

Unless it was shown that there was discrimination amongst the same set of employees under the same master, in the same establishment, the principle of “equal pay for equal work” would not be applicable.”

21. In a celebrated case of **State of Punjab and others Vs. Jagjit Singh and others, (civil appeal No.213 of 2013 – decided on 26/10/2016)**, the Apex Court after referring to and considering its various earlier judgements vis-à-vis in the cases of Randhir Singh Vs. UOI (1982) 1 SCC 618; D.K. Nakara Vs. UOI (1983) 1 SCC 304; Harbans Lal (supra); Grih Kalyan Kendra (supra) National Aluminum Co.Ltd. Vs. Ananta Kishore Rout (2014) 6 SCC 756; etc. etc. pertaining to daily rated employees, casual workers, temporary employees etc., summarized the parameters of the principle of “equal pay for equal work” in para 42 of elaborate and exhaustive judgement running into 102 pages and extracts of the same which are relevant for the purposes of the present controversy are reproduced hereunder and needless to mention the same is binding on all the Courts in India under Article 141 of the Constitution of India :-

“42..... Our consideration has led us to the following deductions :-

- (i) The ‘onus of proof’ of parity in the duties & responsibilities of the subject post with the reference post, under the principle of “equal pay for equal work” lies on the person who claims it. He who approaches the Court has to establish, that the subject post occupied by him, requires him to discharge equal work of equal value, as the reference post.
- (ii) to (ix).....
- (x) **A comparison between the subject post and the reference post, under the principle of “equal pay for equal work” cannot be made, where the subject post and the reference post are in different establishments, having a different management. Or even, where the establishments are in different geographical locations, though owned by the same master. Persons engaged differently, and being paid out of different funds, would not be entitled to pay parity.....”**
- (xi) Different pay-scales, in certain eventualities, would be permissible even for posts clubbed together at the same hierarchy in the cadre. As for instance, if the duties & responsibilities of one of the posts are more onerous, or are exposed to higher nature of operational work/risk, the principle of “equal pay for equal

work” would not be applicable. And also when, the reference post includes the responsibility to take crucial decisions and that is not so for the subject post.

- (xii) The priority given to different types of posts, under the prevailing policies of the Government, can also be a relevant factor for placing different posts under different pay-scales. Herein also, the principle of “equal pay for equal work” would not be applicable. And also when, the reference post includes the responsibility to take crucial decisions and that is not so for the subject post.

(xiii) to (xvi)

- (xvii) **Where there is no comparison between one set of employees of one organization and another set of employees of a different organization, there can be no question of equation of pay-scales, under the principle of “equal pay for equal work” even if two organizations have a common employer. Likewise, if the management and control of two organizations, is with different entities, which are independent of one another, the principle of equal pay for equal work, would not apply.”**

22. In view of the ratio of aforesaid rulings, coupled with the fact that Air India /Management No.1 and Air India Sats Airport Services Pvt. Ltd./ Management no.2 are different and distinct entities, no comparison between the subject posts under Management No.2 and the reference posts under Management No.1, can be made under the principle of “equal pay for equal work” and as such, demand of the Workmen Union for equation of pay-scale and other benefits/facilities with that of the employees of Management No.1 is not acceptable. Further, no comparison under the principle of “equal pay for equal work” can be made when a large number of the employees belonging to the cadre of Management No.1 are working in the establishment of Management No.2 on deputation basis and are also getting more wages/salary than that of employees of Management No.2, for the simple reason that the officials are detailed on deputation basis due to their past experience and expertise in the given field and they are entitled to get more wages/salary (inclusive of deputation allowance), than that of employees of the said establishment. To my mind, it can not be concluded that there has been discrimination amongst the same set of employees of the Management No. 2.

23. Having regard to the overall facts and circumstances of the case, this Tribunal has no hesitation to hold that the claimant Union has failed to demonstrate any discrimination by the Management No.2 amongst same set of its employees performing similar nature of work and as such, demand of the workmen Union claiming wages, allowances, benefits & facilities at par with the employees of Air India/Management No. 1 – a separate & distinct entity - is unjust and unwarranted. The claimant Union is not entitled to any relief. Award is passed accordingly,

Date : 7.3.2019

AVTAR CHAND DOGRA, Presiding Officer

नई दिल्ली, 28 मार्च, 2019

का.आ. 510.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर, राजस्थान के पंचाट (संदर्भ संख्या सी.आई.टी. 18/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.03.2019 को प्राप्त हुआ था।

[सं. एल-12011/17/1997-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 28th March, 2019

S.O. 510.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. C.I.T. 18/98) of the *Industrial Tribunal*, Jaipur, Rajasthan as shown in the Annexure, in the Industrial Dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 28.03.2019.

[No. L-12011/17/1997-IR(B-II)]

SEEMA BANSAL, Section Officer

अनुबंध**केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर**

पीठासीन अधिकारी : सतीश कुमार व्यास, जिला न्यायाधीश संवर्ग

केस नंबर सी.आई.टी. 18/98

सी.आई.एस. 17/14

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल.—

12011/17/97 आई.आर.[बी.II] केन्द्रीय सरकार, दिनांक 31 मार्च, 1998

बैंक ऑफ बडौदा, स्टॉफ यूनियन, उद्योग भवन, तिलक मार्ग, सी-स्कीम, जयपुर 7302001

...प्रार्थी यूनियन

बनाम

सहायक महा प्रबन्धक, बैंक ऑफ बडौदा, जोनल ऑफिस,

चतुर्थ तल, आनंद भवन, संसारचन्द्र रोड, जयपुर

...विपक्षी

उपस्थित :

प्रार्थी की ओर से : श्री सुरेश कश्यप, योग्य प्रतिनिधि उपस्थित।

अप्रार्थी की ओर से : कोई उपस्थित नहीं हैं।

अधिनिर्णय

दिनांक : 20.07.2018

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली से उपरोक्त आदेश के जरिये निम्न अनुसूची का विवाद अधिनिर्णय हेतु इस अधिकरण को दिनांक 26.8.98 को प्राप्त हुआ है।

2. “Whether the action of the Management of Bank of Baroda is Justified in not regularising the services of 13 part-time sweepers[as per list enclosed] from the date of their initial employment and not paying them annual increment, leave encashment, CCA, HRA & other consequential benefits ? If not, to what relief the said workmen are entitled and from what date ?”

3. प्रकरण दर्ज रजिस्टर किया जाकर उभय पक्षकारान को नोटिस जारी किए गए। प्रार्थी यूनियन की ओर से केन्द्रीय श्रम विभाग द्वारा अधिनिर्णयार्थ प्रेषित अधिसूचना के संदर्भ में स्टेटमेंट ऑफ क्लेम विपक्षी सहायक महा प्रबन्धक, बैंक ऑफ बडौदा, जोनल ऑफिस चतुर्थ तल, आनंद भवन, संसार चन्द्र रोड, जयपुर के विरुद्ध दिनांक 30.8.2000 को न्यायाधिकरण के समक्ष प्रस्तुत कर अभिकथन किया गया कि कुल 13 प्रार्थी श्रमिकगण पिछले कई वर्षों से पार्टटाईम कर्मचारी के रूप में विपक्षी बैंक के अधीन कार्य कर रहे हैं, लेकिन बरसों बीत जाने के बाद भी इन श्रमिकों को नियमित नहीं किया गया तथा यूनियन समय-समय पर इन श्रमिकों को बराबर पे-स्केल रेगुलर कर्मचारियों की तरह दिये जाने व अन्य सभी लाभ दिये जाने की प्रार्थना की जाती रही है, लेकिन विपक्षी ने इनको नियमित नहीं किया। इस पर यूनियन ने केन्द्रीय सहायक श्रम आयुक्त के समक्ष विवाद उठाया और वहां पर हुई वार्ताओं में विपक्षी ने कोई पहल नहीं की और अन्त में न्यायाधिकरण के समक्ष विवाद रेफर किया गया। निवेदन किया कि सभी श्रमिक नियमित होने के अधिकारी हैं और वार्षिक वेतन वृद्धियों प्राप्त करने के अधिकारी होने का अभिकथन किया तथा यह भी अभिकथन किया कि प्रार्थी श्रमिकगण को नियमित नहीं करना समझौता दिनांक 6.2.90 का स्पष्ट उल्लंघन है व देसाई अवाड, शास्त्री अवाड का उल्लंघन है। अतः स्टेटमेंट ऑफ क्लेम स्वीकार करते हुए सभी श्रमिकगण को पार्ट टाईम से नियमित कर्मचारी घोषित करते हुए इनको नियमित कर्मचारी के समान मिलने वाले सभी लाभ दिलाये जाने के आदेश प्रदान किये जाने की प्रार्थना की।

4. विपक्षी विभाग की ओर से प्रार्थी श्रमिक के स्टेटमेंट ऑफ क्लेम का जवाब प्रस्तुत कर अभिकथन किया है कि जहां तक उठायी गयी मांग के संबंध में प्रश्न है, उक्त क्लेम निराधार, बेबुनियाद तथ्यों को तोड़मरोड़कर प्रस्तुत किया गया है। प्रार्थी श्रमिकगण को केवल आकस्मिक श्रमिकों के रूप में आकस्मिक कार्यों की पूर्ति के लिए रखा गया था, जिसमें कि कार्य की समाप्ति

के बाद उनकी सेवाएँ स्वतः ही समाप्त समझी जाती थी इसीलिए श्रमिकों को कोई नियुक्ति पत्र ही नहीं दिया गया था और ना ही इनकी नियुक्ति बैंक ऑफ बडौदा के निर्धारित प्रक्रिया के तहत ही की गयी थी और ऐसी स्थिति में उक्त श्रमिक कोई भी अनुतोष पाने के अधिकारी नहीं होना बताते हुए अभिकथन किया है कि समय-समय पर संबंधित शाखा के द्वारा आकस्मिक श्रमिक के रूप में श्रमिकों को रखा गया था जो कभी भी निरन्तर कार्य नहीं किया और चूंकि बैंक ऑफ बडौदा के द्वारा कोई भी विज्ञापन आदि के द्वारा नियुक्ति नहीं की गयी और ना ही कोई पद खाली होने से ही बैंक ऑफ बडौदा की प्रक्रिया के तहत ही नियुक्ति दी गई इसलिए ऐसी स्थिति में किसी भी श्रमिक को नियमित किये जाने का कोई प्रश्न ही नहीं होने से प्रस्तुत किया गया स्टेटमेन्ट ऑफ क्लेम खारिज किये जाने योग्य है। अतः जवाब प्रस्तुत कर निवेदन किया गया कि प्रार्थी यूनियन की ओर से प्रस्तुत स्टेटमेन्ट ऑफ क्लेम खारिज किया जावे।

5 प्रकरण के न्यायोचित निस्तारण के लिए न्यायाधिकरण को यह देखना है कि क्या प्रार्थी श्रमिकगण को किसी प्रकार का कोई लाभ नहीं दिया गया ? और लाभ नहीं दिये जाने का बैंक ऑफ बडौदा के प्रशासन का आदेश सही है?

6. इस सम्बन्ध में प्रार्थी यूनियन को यह प्रमाणित करना था कि श्रमिक अपनी नियुक्ति दिनांक से वार्षिक वेतन वृद्धि व अन्य लाभ प्राप्त करने के अधिकारी हैं। उनकी ओर से क्लेम प्रस्तुत करते हुए 13 श्रमिकों को बैंक द्वारा अंशकालिक श्रमिक के रूप में भर्ती करना बताया और वर्षों बीत जाने के बावजूद भी उन्हें नियमित नहीं किया गया। जिसका बैंक की ओर से जवाब प्रस्तुत कर प्रार्थीयूनियन के क्लेम को अस्वीकार किया गया।

7. अब इस न्यायाधिकरण के समक्ष विचारणीय प्रश्न यह है कि क्या प्रार्थी श्रमिकगण अपने स्टेटमेन्ट ऑफ क्लेम के अनुसार अनुतोष प्राप्त करने के अधिकारी हैं ? तो प्रार्थी श्रमिकगण की ओर से किसी प्रकार की कोई साक्ष्य इस संबंध में मौखिक व दस्तावेजी न्यायाधिकरण के समक्ष प्रस्तुत ही नहीं की गई, जिससे यह प्रमाणित हो कि श्रमिकगण बैंक ऑफ बडौदा के नियमित कर्मचारी हों और उन्हें वार्षिक वेतन वृद्धि तथा अन्य सुविधाएं प्राप्त करने का अधिकार हो। उन्हें अंशकालिक श्रमिक के रूप में नियुक्ति दी गई थी, तो हमारी राय में वे अन्य किसी प्रकार के अधिकार या वार्षिक वेतन वृद्धि प्राप्त करनेके अधिकारी नहीं हैं। अतः उनकी ओर से प्रस्तुत स्टेटमेन्ट ऑफ क्लेम खारिज किये जाने योग्य हैं।

8 अतः उपरोक्त विवेचन के फलस्वरूप इस रेफरेन्स का उत्तर निम्न प्रकार दिया जाना समीचीन है :-

अधिनिर्णय

9. अतः उपरोक्त विवेचन के आधार पर प्रार्थी श्रमिकगण किसी प्रकार की राहत प्राप्त करने का अधिकारी नहीं होने से उसकी ओर से प्रस्तुत यह स्टेटमेंट ऑफ अस्वीकार किया जाकर खारिज किया जाता है। मामले के तथ्य व परिस्थिति में पक्षकारान खर्चा अपना-अपना स्वयं वहन करेंगे।

10. अधिनिर्णय लिखाया जाकर आज दिनांक 20.07.2018 को हस्ताक्षर कर खुले न्यायाधिकरण में सुनाया गया। अधिनिर्णय की प्रति केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजी जावे।

सतीश कुमार व्यास, न्यायाधीश

नई दिल्ली, 28 मार्च, 2019

का.आ. 511.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (संदर्भ संख्या 50/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.03.2019 को प्राप्त हुआ था।

[सं. एल-12011/72/2004-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 28th March, 2019

S.O. 511.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2004) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the management of Canara Bank, and their workmen, received by the Central Government on 28.03.2019.

[No. L-12011/72/2004 -IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIUBNAL-CUM-LABOUR COURT, BANGALORE – 560 022

DATED : 20th MARCH 2019

PRESENT : Justice Smt. RATHNAKALA, Presiding Officer

C R No.50/2004

I Party

The President,

Karnataka Pradesh Banks Deposit Collectors' Federation, No. 86,
Sheel House, 2nd Floor, J C Road, BANGALORE – 2.

II Party

The Deputy General Manager,
Canara Bank,
D A Cell, Circle Office,
No. 86, M G Road,
BANGALORE – 560 001.

Appearances

I Party : Shri Muralidhara, Advocate

II Party : Shri T R K Prasad, Advocate

1. The Central Government vide order No. L-12011/72/2004-IR(B-II) dated 27.09.2004 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) made this reference for adjudication with the following schedule:

SCHEDULE

“Whether the action of the management of Canara Bank in terminating/discontinuing the service of 15 Deposit Collectors (As per list annexed) w.e.f. 1.6.1994 is legal and justified? If not, what relief are the concerned workmen entitled to?”

2. Both parties have filed their respective statements.
3. The I party claimed in their statement that it is a Trade Union of Bank Deposit Collectors and affiliated to All India Bank Deposit Collectors Federation. The II Party launched schemes for deposit collections like Balakshema Deposit scheme and Nitya Nidhi Deposit Scheme. The I party members were appointed as collectors on commission basis and agreement was signed in this regard. Though the schemes were running profitably vide circular No. 109/1994, the Bank issued direction to the Deposit Collectors not to open New Deposits w.e.f. 01.06.1994 under BKD Scheme. Thus BKD Scheme was wound up and service of the I Party was brought to an end. They were not allowed to work in New Nitya Nidhi Deposit Scheme. Their services were terminated without affording opportunity. No retrenchment compensation is given. hence, the prayer for reinstatement with continuity of service etc.

4. The II Party while countering the claim of the I Party had stated that I Party Union is unconnected to any trade Union Activity with the II Party Bank and has no locus standi to raise this dispute. The persons mentioned in the annexure to the schedule of the reference are not the members of the Union and the Union has no authority to espouse their cause. The Union has not made any demand with the II Party relating to those persons. The names of the I Party members is also incorrectly mentioned. The four persons from the list namely Mr. K Prabhakar Naik, Sl. No. 4, K. RohidasNaik, Sl. No. 7 Ramesh shenoy, sl. No. 8 Shankar sl. No. 9 were not engaged as BKD or NMD agents at any time by the bank. The reference pertaining to them is bad in law. The Agencies have been terminated during 19.04.1994. The reference is raised after a delay of 11 years hence liable to be rejected.

5. The II party further contended that the Bank introduced Balakshema Deposit Scheme and Nitya Nidhi/New Nitya Nidhi Deposit Scheme for the purpose of deposit collection. Agents on commission basis were engaged after entering into agreement with them. They were engaged for a limited purpose of deposit collection and were free to take any assignment during their spare time. They had no time schedule for their work. They are not paid salary/wages. They get commission on the amount collected. There is no employee employer relationship between them and the Bank. During 1994 as a matter of policy the above stated scheme were distanced. Agents were advised not to open fresh / new accounts w.e.f. 10.06.1994. The existing accounts continued till they were closed. Accordingly, there was no collection work for the BKD Agents thereafter. There seized to be agents of the Bank. They have introduced Nitya Nidhi Deposit Scheme in the place of NND Scheme. There is no obligation for the bank to re-deploy BKD Agents in other deposit schemes. Some of the BKD Agents were also the collectors under NND Scheme. Even after closure of BKD Scheme they remain NND Agents. They have entered into separate agreement with the Bank. They are not workmen of the Bank. The Bank may terminate the Agency at any time as per clause 10 of the Agreement entered with the Agents. There is no violation of any service regulation.

6. It is further stated that the Administrative Policy taken by the Bank vide Circular No. 109/1994 to phase out the particular scheme which is unprofitable / unviable was challenged by the I Party in a Writ Petition No. 16346/1996 before the Hon'ble High Court "direction was sought to quash the circular No. 109/1994 dated 19.04.1994 . After contest the said Writ Petition was disposed off on 26.03.2003 as not maintainable. However, liberty was given to the Union to approach appropriate authority for their grievance. II Party has not terminated the alleged services of the 15 Deposit Collectors / Agents w.e.f. 01.06.1994. The allegations made against the II Party in the claim statement are all denied. The action of the management does not amount to retrenchment. The deposit collectors / agents are gainfully employed and are not entitled for any relief.

7. Today, Sh. MD for the I Party workman filed a Memo which reads thus :

"I Party/Federation submits that it had espoused the cause of deposit collectors. However, the concerned deposit collectors/workmen are no more in touchy with the Federation for a long time. Hence, it is respectfully submitted that this Hon'ble Tribunal may be pleased to dispose of the above dispute as NOT PRESSED, in the interest of justice and equity".

8. The I party have failed to rebut the challenge made by the II Party about the jurisdiction of this tribunal, legality of the reference order and also the lapse on account of delay etc. As such the discontinuation of the service of the Deposit Collectors was in terms of the agreement entered into between the parties only. When it was a policy matter to wind up BKD Scheme and the High Court has declined to intervene in the policy, it is not for the I Party workman now to allege that it was an arbitrary decision to discontinue the scheme. The discontinuation of the scheme does not amount to retrenchment contemplated by Section 25(oo) of the ID Act. Hence, the question of the complaint condition precedent contemplated by Section 25 (F) of the said act will not arise. There is no illegality on the part of the II Party in discontinuing the deposit collectors i.e. after winding up of Bala Kshema Deposit Scheme workmen are not entitled for any relief. Accordingly,

AWARD

Reference is Rejected

(Dictated to U D C, transcribed by him, corrected and signed by me on 20th March 2019)

Justice Smt. RATHNAKALA, Presiding Officer

नई दिल्ली, 28 मार्च, 2019

का.आ. 512.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (संदर्भ संख्या 47/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28.03.2019 को प्राप्त हुआ था।

[सं. एल-12011/4/2008-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 28th March, 2019

S.O. 512.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 47/2008) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the Industrial Dispute between the management of Vijaya Bank, and their workmen, received by the Central Government on 28.03.2019.

[No. L-12011/4/2008- IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE – 560 022**

DATED : 19TH MARCH 2019

PRESENT : Justice Smt. Rathnakala, Presiding Officer

C.R No. 47/2008**I Party**

The Treasurer,
Vijaya Bank Workers Organisation,
37/1, Car Street, Halasuru,
Bangalore – 560 008.

Advocate for I Party :
Mr. S. Vittal Shetty

II Party

The General Manager (IR),
Vijaya Bank,
Head Office,
Trinity Circle, M.G. Road,
Bangalore – 560 001.

Advocate for II Party:
Mr. B.C. Prabhakar

AWARD

The Central Government vide Order No.L-12011/4/2008-IR(B-II) dated 15.05.2008 in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section2(A) of Section 10 of Industrial Dispute act, 1947 (for brevity 'the Act' hereafter) referred the following Industrial Dispute for adjudication.

“Whether the action of the management of Vijaya Bank Bangalore, Karnataka in dismissing Smt. M.C. Manjula, Ex-Clerk from the services w.e.f 31.01.2006 is justified and legal? If not, what relief the workman is entitled”

1. The fact is the 1st Party workman Smt. M.C. Manjula was appointed on compassionate ground after the death of her husband as a clerk with the 2nd Party. She lastly worked at Devalpura Branch from 02.06.2003 to 01.12.2004. She was placed under suspension on the allegation of certain fraudulent transactions while working in Devalpura Branch. Domestic Enquiry was held, the Enquiry Officer on completion of the enquiry submitted his report holding that out of the 20 charges 18 of them were proved, charge no. 11 was partly proved and charge 20 was not proved. The Disciplinary Authority of the Bank dismissed her from service w.e.f 02.03.2006.

2. On the rival pleadings of the parties a preliminary issue regarding fairness of the enquiry was framed and after a full pledge trial the fairness of the Domestic Enquiry was upheld.

3. Thereafter, no evidence is placed by the 1st Party in support of her other grievances. She has submitted written arguments contending that the findings of the enquiry is without there being material evidence on record and without proper appreciation of evidence and thus perverse. The material witnesses cited in the list of witnesses were abandoned and one new witness was examined without prior notice. The Enquiry Officer pre-judged the case only on the basis of arguments submitted by the Presenting Officer. The Enquiry Officer relied mainly upon alleged confession letter purported to have been given by her; but she denied during the defence evidence about having given any such confession letter. No finding is given in this regard by the Enquiry Officer. The fictitious entries made in the BOSS though does not bear the initials and signature of the staff members, the onus of the same is put on the workman; handwriting expert's opinion is not obtained. The Enquiry Officer relied on the deposition of Sh. Surendra Kumar, the later Branch Manager of Devalpura Branch to arrive at the conclusion that, handwriting appearing in Ledger Sheet, Registers and Pass books belong to the workman. But said Sh. Surendra Kumar was not working at the Branch at the relevant point of time. The Disciplinary Authority dismissed her from service without analysis what exactly alleged against her and how the same has been held proved; her past service records are not considered; the Appellate Authority dismissed her appeal without properly appreciating the grounds urged by her.

4. Learned counsel for the 2nd Party during his oral arguments submits that the allegation is, fraudulent transactions committed by her while handling money transactions. The validity of the Domestic Enquiry has been upheld by this Tribunal. The misappropriation of the Bank money has resulted in loss of confidence and trust in 1st Party workman and she is suitably punished with the order of dismissal from service.

5. To epitomize the charge against the 1st Party workman:

While working as a clerk/cashier at Devalpura Branch she did not account the amount received from some customers; she was giving fictitious credits to various accounts, unauthorizedly debiting various deposit accounts, finally tallies the contra heads of the account by making unauthorized transfer entries in the Back Office Software System (BOSS), so as to suppress the information regarding the fraudulent transaction and misrepresented to the higher authorities regarding the actual position of the accounts. The charge sheet further details the transaction involving by the 1st Party, as a cashier she had received an amount of Rs. 21,000/- towards the deposit from a Account Holder Sh. D.M. Basavaraj, SB A/c No. 19 dated 04.08.2004 but did not enter the same in the cash scroll but made credit entries in the ledger folio of SB A/c No. 19 and one Sh. D.M. Prabhuswamy and also made entries in the pass book. While entering the vouchers of the Day Book in the BOSS unauthorizedly transferred credit of Rs. 21,000/- through SB A/c No. 19 on 11.08.2004 by debiting Fixed Deposit Account No. 240011.

6. On 15.09.2001 SB A/c No. 250 Account Holder Sh. Govindaiah remitted Rs. 5,000 towards credit of his deposit account she did not enter the same in the cash scroll but made credit entries in the ledger folio of the account; she made unauthorized transfer of Rs. 5,000/- in the BOSS on 22.09.2004. Such manipulations were repeatedly done by her, pertaining to Rs. 20,000/- credited by Devalpura Milk Producers Co-op. Society Ltd., towards credit of their deposit dated 20.09.2004 and Rs. 8,000/- dated 08.10.2004. Again she has committed the similar misconduct pertaining to Rs. 5,000/- deposited by Sh. Suresh SB A/c No. 2600 dated 20.09.2004, Rs. 10,000/- deposited by Smt. Nagamma SB A/c No. 4009 dated 06.09.2004, Rs. 20,000/- deposited by Sh. Veerabhadra SB A/c No. 4312 dated 18.10.2004; Rs. 14,000/- deposited by Sh. S.M. Srinivas SB A/c No. 4335 dated 09.06.2004; Rs. 10,000/- deposited by Sh. D.T. Nagesha SB A/c No. 5188 dated 06.08.2004; Rs. 6,000/- deposited by Sh. M. Narasimhaiah SB A/c No. 5198 dated 06.10.2004; Rs. 19,000/- deposited by Smt. D.C. Nagarathana SB A/c No. 5474 dated 18.05.2004; Rs. 4,500/- deposited by Shree Huchamma Stree Shakti Sangha SB A/c No. 5580 dated 30.08.2004; Rs. 14,000/- deposited by Sh. B.T. Lingaiah SB A/c No. 5795 dated 21.07.2004.

7. Further allegation is, she maintained SB A/c No. 5968 in the name of her minor daughter remitted Rs. 400/- by cash on 21.06.2004 and altered the credit voucher to Rs. 4,400/- and also in the ledger folio, she has withdrawn Rs. 3,500/- in cash by way of cheque and transfer of Rs. 800/- to another SB A/c No. 6000, she manipulated the entries in the BOSS. She gave fictitious credit entries to the account of Smt. M.C. Chandramathi who is none other than her mother of Rs. 15,000/- and Rs. 16,000/- respectively and withdrawn Rs. 34,000/- by way of self cheque on 20.07.2004 and gave unauthorized transfer credit by debiting from SB A/c No. 5860 on 17.07.2004. Further, she repeated the misconduct by misappropriating Rs. 20,000/- credited by Smt. Laxmamma SB A/c No. 6050 on 05.04.2004 but did not enter in the cash scroll and manipulated the BOSS. On 30.06.2004 she received Rs. 5,000/- from Sh. N.S. Balasubramanya SB A/c No. 6144; on 14.08.2004 misappropriated Rs. 2,500/- and manipulated the entries in the BOSS. Pertaining to CCM A/c of Sh. Shankaradhy misappropriated Rs. 6,000/- remitted by him on 11.10.2004; Rs. 8,000/- remitted on 12.10.2004 but she remitted in the cash scroll Rs. 6,000/- by altering the date in voucher, again on 15.10.2004 she received Rs. 22,000/- towards the CCM A/c and entered in the cash scroll as Rs. 8,000/- and misappropriated Rs. 14,000/-; she made fictitious credit entry of Rs. 50,100/- to SB A/c No. 5973 maintained by Sh. K. Hanumanthaiah dating the same as 19.10.2004 she withdraw Rs. 50,000/- from the account by presenting a cheque. While working at Pandavapura Branch during 24.05.1999 to 27.05.2003 she made entry of Rs. 50,000/- only pertaining to M/s. Venkateshwara Fertilisers CCH A/c No. 210002 and misappropriated Rs. 9,000/-.

8. During enquiry the management examined as many as 11 witnesses and got marked 6 documents. The 1st Party examined herself as a witness and was cross examined by Presenting Officer. Among the witnesses examined for the management the crucial witness was the Branch Manager Sh. S.P Surendra Kumar (MW-7) and the Investigating Officer who probed the allegations, Sh. Ravi Sahtish Ray (MW-10) Manager, Regional Office, Mysore and other witnesses were MW-1 Sh. M. Narasimhaiah, MW-2 Smt. Nagamma, MW-3 Smt. Lakshamma, MW-4 Sh. A. Basavaraj, MW-5 Sh. Shankaradhy and MW-8 N.S. Balasubramanya the customers in respect of whose account manipulation was alleged. Sh. S.P Surendra Kumar's (MW-7) statement before the Enquiry Officer was, he was the Acting Branch Manager of Devalapura Branch at the relevant point of time. The 1st Party was working as clerk/cashier, she was working on BOSS and handling ledgers and performing the duties of the cashier and he had forwarded a report on the actual or suspected fraud at Devalapura Branch to the Vigilance Department at the Head Office Bangalore, pertaining to the 1st Party workman. During his further deposition he narrated that, the then Branch Manager wanted to verify the accounts and found that there was a credit entry for Rs. 50,100 pertaining to SB A/c No. 5973 of Sh. Hanumanthaiah in respect of the transaction on 25.10.2004, he entertained doubt and kept the cheque with himself; but the 1st Party did not ask for the payment for many days; at the instance the Manager he verified the witness, the ledger entry as well as the cash and officer's scroll. There was cuttings/alterations in the date and figures in all the records/registers; from the BOSS it was found that in respect of a particular entry, there was no corresponding entry in the ledger sheet, there was no credit in the day's entry made in the hard copy of that day. Subsequently, the 1st Party was enquired in the evening, initially though she did not respond properly when confronted with the relevant records she admitted her guilt and gave a confession letter dated 20.11.2004 (marked as Annexure 194 of MEX-1 during the enquiry). Thereafter, they checked the balancing of all the accounts and found that VSU account was not tallying, to tally the said account some entry was made; on enquiry the 1st Party confessed orally and gave details of accounts where she has committed frauds/irregularities. At their insistence she immediately agreed to pay the amount to all the accounts closed by her to the extent of money misappropriated. Thus, she paid an amount of Rs. 2,41,000/- pertaining to 20 accounts; vide order dated 06.12.2004 she gave a confession letter (marked as Annexure 195 of MEX-1 during the enquiry); said letter was submitted by her in the Branch on which day she was attending the duties. The witnesses identified the initial and signature of the 1st Party on the ledger, cash scroll, officer's cash scroll and pass books of the customers. He narrated the details of the irregularities committed by the 1st Party in respect of the accounts.

9. The Investigation Officer Sh. Ravi Sathish Ray (MW-10) stated about the investigation conducted by him at Devalapura Branch pertaining to the alleged attempted fraud/misappropriation committed by the 1st Party. During the course he contacted the Account Holders, recorded their statements, verified the disputed accounts, CCM accounts and the entries made in the Back Office Software System(BOSS). The Investigation revealed that, the 1st Party gave fictitious credit to the various SB accounts and one CCM account, attempted to withdraw Rs. 50,000/- from one SB account by giving non-existent unauthorized credit for a period of nearly 9 months, to conceal her misconduct she has given unauthorized non-existent debits and credit in the BOSS.

10. The 1st Party during her defence categorically disputed the signatures which were identified by the Bank Manager on the ledger and other records. However, her cross examination revealed that, there were only 2 officials in the Branch; though she was working as a clerk in the absence of the cashier she has handled cash counter, she has handled BOSS, SB loans and other deposits, she was the cashier on the alleged dates like 06.09.2004, 15.09.2004 and 20.09.2004 etc., and has closed the cash by mentioning closing cash figures inward. She admits about having an account in the name of her minor daughter and also in the name of her mother.

11. As such it is a case of attempted fraud as brought forth from the Investigating Officer and evidence of the customers; from their Pass Books the remittance made by them pertaining to their account is established, it is also established that, the 1st Party workman has worked as cashier though she now disputes handling the Boss and signatures and entries on the documents exhibited by the management. She is unable to invoke a ray of suspension that any other person was involved in the day to day transaction of the administration. It is not her case that, the apology was taken by the Branch Manager under coercion. At no point of time she has made such allegation against the Branch Manager.

12. I do not see perversity in the findings of the Enquiry Officer in holding the charge no. 1 to 10 and 12 to 19 as proved and charge no. 11 partly proved. The Disciplinary Authority has considered the defence filament by filament while imposing the punishment order. He has recorded his satisfaction about the fairness of proceedings of the enquiry. With regard to the disputed document (confession letter), the observation of the Authority is the said documents is not the only document produced to prove the charges but it is marked as one of the management document only. With regard to the disputed initials/signature in the BOSS the Authority holds that, *“the principle followed in the departmental enquiry is preponderance of probability and it is a fact that circumstantial evidence can also be taken in to consideration for arriving at the conclusion. In the instant case, the circumstantial evidence clearly lead to believe that, the CSE must have committed the said act in order to tally the contra heads of account and to conceal the fraudulent acts committed by her in the knowledge of Higher Officials”*. With regard to the defence contention that, the handwriting expert is not examined, the authority observed that her handwriting in the various records absolutely match with each other and the evidence of the Branch Manager fulfils the evidence required in the Departmental Enquiry and thus imposed the Punishment of **Dismissal from the service of the Bank with immediate effect**.

13. The Appellate Authority on her appeal gave a personal hearing. The proceedings before the Appellate Authority depict that, she had vented out new grievance before the Appellate Authority that ‘she committed the alleged acts of misconduct as per the instructions of Sh. Naveen Kumar, the then Branch Manager (Since deceased)’. Customers used to approach the Branch Manager directly and he used to give instructions to her regarding further course of action, Sh. Naveen Kumar, the Ex-Branch Manager and Sh. Surendra Kumar, the present Branch Manager together harassed and threatened her and extracted work from her beyond office hours and even on Sundays and Holidays.....etc., However, the Appellate Authority endorsed the finding of the Disciplinary Authority in his detailed order, on consideration of the grounds urged by her in the appeal memo viz a viz the documents and evidentiary material. In the absence of evidence supporting her new allegation against the past and the present Branch Manager the Appellate Authority had declined to reconsider the punishment order. Following is extract from the order of the Appellate Authority which led the authority to confirm the stringent action against the workman *“Bank is a public financial institution and repository of public funds and hence a highest degree of honesty and integrity is expected from each and every employee of the bank and no leniency can be shown for such misdemeanour on the part of the Appellant. There is evidentiary proof on record that the charges framed against the appellant were proved and established beyond doubt. Further the Appellant has not brought out any extenuating facts for consideration of her Appeal memo. The pleadings put forth by the Appellant are out of the purview of charge sheet and cannot be considered as ground for reconsideration of the punishment imposed on her by the Disciplinary Authority.”*

14. Since, it is an instance intentional manipulation of the Bank records, documents pertaining to customers of the Bank, though none of the customers or the Bank has suffered financial loss, definitely the acts alleged and proved amount to attempted fraud and temporary misappropriation of money. The nature of the misconduct proved is sufficient to hold that her continuation in the Bank is unsafe both to the institution and its customers. She has not brought any mitigating circumstance before this Tribunal to exercise the jurisdiction under section 11(A) of the Industrial Dispute. Thus, she is not entitled for any relief. Hence, the following.

AWARD**The reference is rejected**(Dictated, corrected and signed by me on 19th March, 2019)

Justice Smt. RATHNAKALA, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2019

का.आ. 513.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कैथोलिक सीरियन बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एर्नाकुलम के पंचाट (संदर्भ संख्या 19/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.04.2019 को प्राप्त हुआ था।

[सं. एल-12011/23/2015-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 1st April, 2019

S.O. 513.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2015) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of Catholic Syrian Bank, and their workmen, received by the Central Government on 01.04.2019.

[No. L-12011/23/2015-IR(B-I)]

B. S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri. V. Vijaya Kumar, B. Sc., LLM, Presiding Officer

(Wednesday the 20th day of February, 2019)**ID No. 19/2015**

Workmen... The General Secretary, Catholic Syrian Bank Staff Association, AIBEA House, Kalliath Royale Square, Palace Road, Thrissur-680 020.

By Adv. Ashok. B. Shenoy.

Management... The Managing Director and CEO, Catholic Syrian Bank, Head Office, Thrissur.

By Adv. K.R. Promoth Kumar

B.S. Krishnan Associates

This case coming up for final hearing on 20.02.2019 and this Tribunal-cum-Labour Court on 20.02.2019 passed the following:

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section(2A) of section 10 of Industrial Disputes Act, 1947 (Act 14 of 1947) the Government of India, Ministry of Labour by its order No. L-12011/23/2015-IR(B-I) dated 24.03.2015 referred the following dispute for adjudication by this Tribunal.

“Whether the action of the management of Catholic Syrian bank in not considering the request of Smt. Neeta Antony for a transfer to a branch in Region-I due to the reason that her appointment was Region-II? If not to what relief she is entitled to?”

2. The case of the Union is that Smt. Neetha Antony was recruited as Clerk-cum-Cashier in Region-II. Her request for her posting to Region-I is not considered by the Management.
 3. The Management opposed the claim stating that the claim of the Union is in violation of clause 2 of tripartite settlement on transfer policy.
 4. The matter was taken up in the Adalath without success.
 5. Now the counsel for the Union filed a memo dated 04.02.2019 stating that the matter is settled out of court and the Union is not pressing the Industrial Dispute.
 6. In view of the above an award is passed dismissing the claim in terms of the memo dated 04.02.2019 filed by the Counsel for the Union withdrawing the Industrial Dispute.
 7. The memo dated 04.02.2019 filed by the Counsel for the Union will form part of the award.
- The award will come into force one month after publication in the official Gazette.
- Dictated to the Assistant, transcribed and typed by him, corrected and passed by me on 20.02.2019.

V. VIJAYA KUMAR, Presiding Officer

APPENDIX

Witness for union	- Nil
Witness for Management	- Nil
Exhibit for Union	- Memo dated 04.02.2019
Exhibit for Management	- Nil

नई दिल्ली, 1 अप्रैल, 2019

का.आ. 514.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईसीआईसीआई बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 26/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.04.2019 को प्राप्त हुआ था।

[सं. एल-12012/157/94-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 1st April, 2019

S.O. 514.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/96) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the management of ICICI Bank, and their workmen, received by the Central Government on 01.04.2019.

[No. L-12012/157/94-IR(B-I)]

B. S. BISHT, Under Secy.

अनुबंध**केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर**

पीठासीन अधिकारी : सतीश कुमार व्यास, जिला न्यायाधीश संवर्ग

केस नंबर सी.आई.टी. 26/96,

सी.आई.एस. 20/2018

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल.—

12012/157/94 आई.आर.[बी.3] केन्द्रीय सरकार, दिनांक 20.10.95

सत्यनारायण सैन पुत्र श्री खेतचन्द सैन

...प्रार्थी यूनियन

बनाम

दी बैंक ऑफ राजस्थान लि., केन्द्रीय कार्यालय, जयपुर, वर्तमान में — ICICI BANK,

पंजीकृत कार्यालय लैण्ड मार्क, रिकार्स सर्किल, बडौदरा।

...विपक्षी संस्थान

उपस्थित :

प्रार्थी की ओर से : श्री सुरेश कश्यप, योग्य प्रतिनिधि ।

अप्रार्थी की ओर से : श्री आर.सी. पापडीवाल, योग्य प्रतिनिधि ।

अधिनिर्णय

दिनांक : 08.02.2019

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली से उपरोक्त आदेश के जरिये निम्न अनुसूची का विवाद अधिनिर्णय हेतु इस अधिकरण को दिनांक 26.6.96 को प्राप्त हुआ है।

2. “Whether the action of the Management of the Rajasthan Bank Ltd., Central Office, Jaipur in terminating the services of Shri Satyanarain sen of 16-1-1993 is legal justified and proper ?If not, to what relief is the concerned workman entitled ?”

3. प्रकरण दर्ज रजिस्टर किया जाकर उभय पक्षकारान को नोटिस जारी किए गए। प्रार्थी यूनियन की ओर से केन्द्रीय श्रम विभाग द्वारा अधिनिर्णयार्थ प्रेषित अधिसूचना के संदर्भ में स्टेटमेंट ऑफ क्लेम विपक्षी दी बैंक ऑफ राजस्थान लि., केन्द्रीय कार्यालय, जयपुर वर्तमान में ICICI BANK, पंजीकृत कार्यालय लैण्ड मार्क, रिकार्स सर्किल, बडौदरा के विरुद्ध दिनांक 26.6.96 को न्यायाधिकरण के समक्ष प्रस्तुत कर अभिकथन किया गया कि उसकी नियुक्ति विपक्षी संस्थान की केकडी शाखा में दिनांक 6.9.90 को चपरासी के पद पर हुई थी और वह मेहनत व ईमानदारी से कार्य कर रहा था, लेकिन उसे बिना किसी कारण बताये दिनांक 16.1.93 को सेवामुक्त कर दिया गया। प्रार्थी का अभिकथन है कि उसका सेवामुक्ति आदेश अनुचित व अवैध है, क्योंकि उसने दिनांक 6.9.90 से 16.1.93 तक लगातार विपक्षी संस्थान की केकडी शाखा में कार्य किया है और उसे मौखिक आदेश से सेवा से पृथक कर दिया गया। प्रार्थी का कथन है कि जब जब अप्रार्थी ने उसे कार्य नहीं दिया, तब तब औद्योगिक विवाद अधिनियम 1947 के प्रावधानों के अनुसार छंटनी मानी जायेगी और धारा-25 जो अधिनियम के प्रावधानों की पालना नहीं की गई है। प्रार्थी का कथन है कि विपक्षी संस्थान में स्थायी पद रिक्त है। अतः धारा-25 एच. का भी उल्लंघन किया गया है। विपक्षी संस्थान द्वारा कोई वरिष्ठता सूची भी जारी नहीं की गई है। यह भी अभिकथन किया गया है कि कोई भी स्थायी नियुक्ति करने से पहले श्रमिक को सूचित किया जाना चाहिए था, परन्तु ऐसा जानबूझकर नहीं किया गया। प्रार्थी श्रमिक का कथन है कि सेवामुक्ति से पूर्व न तो उसे कोई आरोपपत्र दिया गया, न ही कोई जांच कराई गई। इस प्रकार उसकी सेवामुक्ति प्राकृतिक न्याय के सिद्धांतों के पैरा सं. 507(2), 516(3), 493(9) एवं 485 की उल्लंघना में की गई है, जो कि सर्वथा अनुचित व अवैध है, क्योंकि उसने दिनांक 6.9.90 से 16.1.93 तक लगातार विपक्षी संस्थान की केकडी शाखा में कार्य किया है और उसे मौखिक आदेश से सेवा से पृथक कर दिया गया। प्रार्थी का कथन है कि जब जब अप्रार्थी ने उसे कार्य नहीं दिया, तब तब औद्योगिक विवाद अधिनियम 1947 के प्रावधानों के अनुसार छंटनी मानी जायेगी और धारा-25जी. अधिनियम की पालना नहीं की गई है। प्रार्थी का कथन है कि विपक्षी संस्थान में स्थायी पद रिक्त है। अतः धारा-25एच. का भी उल्लंघन किया गया है। विपक्षी संस्थान द्वारा कोई वरिष्ठता सूची भी जारी नहीं की गई है। यह भी अभिकथन किया गया है कि कोई भी स्थायी नियुक्ति करने से पहले श्रमिक को सूचित किया जाना चाहिए था, परन्तु ऐसा जानबूझकर नहीं किया गया। प्रार्थी श्रमिक का कथन है कि सेवामुक्ति से पूर्व न तो उसे कोई आरोपपत्र दिया गया, न

ही कोई जांच कराई गई। इस प्रकार उसकी सेवामुक्ति प्राकृतिक न्याय के सिद्धांतों के पैरा सं. 507(2), 516(3), 493(9) एवं 485 की भी उल्लंघना की गई है, जो कि सर्वथा अनुचित एवं अवैध है। प्रार्थी सेवामुक्ति की दिनांक से ही बेरोजगार बैठा है। अतः उसका सेवामुक्ति आदेश अपास्त किया जाकर उसे पिछले समस्त लाभ सहित सेवा में लिये जाने का अवार्ड पारित किये जाने की प्रार्थना की है।

4. विपक्षी संस्थान की ओर से प्रार्थी यूनियन के स्टेटमेंट ऑफ क्लेम का जवाब प्रस्तुत कर अभिकथन किया है कि प्रार्थी औद्योगिक विवाद अधिनियम, 1947 के प्रावधानों के अनुसार कर्मचारी की परिभाषा में नहीं आता है। अप्रार्थी का जवाब है कि श्रमिक को अल्पकालीन अस्थायी रूप से पानी भरने व सफाई करने के लिए 5/-रुपये प्रतिदिन के हिसाब से रखा गया था और कभी कभार कोई कर्मचारी अनुपस्थित हो तो प्रार्थी को आवश्यकतानुसार दैनिक वेतन पर मजदूरी का कार्य दिया जाता था और उसी रोज उसकी सेवाएँ समाप्त हो जाती थी। इस प्रकार प्रार्थी न तो श्रमिक की परिभाषा में आता है और न ही उसकी कोई अधिकारिता बैंक में हुई है। अप्रार्थी का कथन है कि प्रार्थी यदा कदा कार्य के लिए विपक्षी बैंक में आया करता था या पार्ट टाइम कार्य के लिए आता था और वह भी दिनांक 16.1.91 के पश्चात उसने बंद कर दिया। ऐसी स्थिति में विपक्षी द्वारा प्रार्थी को सेवामुक्त करने की बात बेबुनियाद व तथ्यहीन है। अतः अधिनियम, 1947 व शास्त्री अवार्ड के किसी भी प्रावधान का उल्लंघन नहीं किया गया है। अतः स्टेटमेंट ऑफ क्लेम खारिज किये जाने की प्रार्थना की।

5. प्रार्थी सत्यनारायण सैन ने अपने क्लेम के समर्थन में स्वयं का शपथपत्र पेश किया है, जिससे अप्रार्थी के विद्वान प्रतिनिधि ने जिरह की है। अप्रार्थी बैंक की ओर से मनोहरलाल बाफना शाखा प्रबन्धक का शपथपत्र पेश हुआ है।

6. जिस पर उभय पक्ष के विद्वान प्रतिनिधिगण की बहस सुनी एवं पत्रावली का अवलोकन किया जाकर इस न्यायाधिकरण द्वारा उक्त प्रकरण का पूर्व दिनांक 19.9.2002 को निर्णय किया गया और प्रार्थी के स्टेटमेंट ऑफ क्लेम को खारिज करते हुये उसके खिलाफ अवार्ड पारित किया गया। जिसकी प्रार्थी की ओर से माननीय राजस्थान उच्च न्यायालय में एस.बी.सिविल रिट नंबर 4580/10 प्रस्तुत हुई तथा उसके बाद डी.बी. सिविल (स्पेशल) अपील संख्या 1807/17 प्रस्तुत हुई, जिसमें इस प्रकरण को पुनः सुनवाई कर उपलब्ध साक्ष्य के आधार पर इस न्यायाधिकरण द्वारा निर्णीत करने का निर्देश प्राप्त हुआ है।

7. जिस पर उभय पक्ष को पुनः सुना गया और पत्रावली का अवलोकन किया।

8. दौरान बहस प्रार्थी के विद्वान प्रतिनिधि का तर्क रहा कि प्रार्थी को स्टेटमेंट ऑफ क्लेम के पैरा-5 के अनुसार सेवा से मुक्त किया जाना अवैध एवं अनुचित है, जिसके लिए उसने शपथपत्र के साथ दस्तावेजात भी प्रस्तुत किये हैं। वह बैंक का एक नियमित कर्मचारी था, फिर भी उसे सेवा मुक्त कर दिया गया और जिस बाबत कोई जांच भी नहीं की गई। प्रार्थी सन 1992 से लगातार बेरोजगार है। अतः उसका क्लेम स्वीकार किया जाये।

9. जबकि विद्वान प्रतिनिधि अप्रार्थी बैंक की ओर से दौरान बहस तर्क रखा गया कि साक्ष्य में प्रार्थी की ओर से बैंक साक्षी से किसी प्रकार की प्रतिपरीक्षा ही नहीं की गई। ऐसी स्थिति में उनकी साक्ष्य को नहीं मानने का कोई कारण न्यायाधिकरण के समक्ष नहीं है। उनका यह भी तर्क रहा कि प्रार्थी स्वयं लाभ का अन्य काम मिल जाने के कारण बैंक में नहीं आता था और बैंक छोड़कर चला गया तथा ऐसी ही साक्ष्य बैंक के साक्षी ने दी है। अतः प्रार्थी की ओर से प्रस्तुत स्टेटमेंट ऑफ क्लेम खारिज किया जाये।

10. हमने उपरोक्त तर्कों पर मनन किया, पत्रावली का अवलोकन किया।

11. अब इस सन्दर्भ में यदि साक्ष्य का अवलोकन करें, तो प्रार्थी ने अपनी प्रतिपरीक्षा में स्पष्ट कथन किया है कि उसे कोई नियुक्तिपत्र नहीं दिया गया था और सेवामुक्ति आदेश उसे नहीं दिया गया था। वह 5/-रुपये रोज पर साफ-सफाई करने जाता था। द्विपक्षीय व त्रिपक्षीय समझौते का उसे पता नहीं है। वह शास्त्रीय अवार्ड के बारे में नहीं जानता है। वह दिनांक 16.1.93 के बाद से बैंक में सेवरात नहीं है। इस प्रकार प्रार्थी की साक्ष्य से यह प्रकट होता है कि उसे बैंक द्वारा कोई नियुक्तिपत्र नहीं दिया गया और न ही सेवामुक्ति का कोई आदेश दिया गया था। इससे स्पष्ट है कि प्रार्थी बैंक का कर्मचारी नहीं था। उसने स्वीकार किया है कि उसे 5/-रुपये रोज साफ-सफाई के मिलते थे। इससे स्पष्ट है कि जब प्रार्थी आता था तो उसे भुगतान कर दिया जाता था।

12. जहां तक दस्तावेज प्रदर्श एम.1 लगायत एम. 23 का प्रश्न है, इन दस्तावेजों का कोई विवरण प्रार्थी ने अपने शपथपत्र में नहीं दिया है, तो उन दस्तावेजों को अब पढ़े जाने का कोई मतलब नहीं है और वे कानूनन पढ़े भी नहीं जा सकते हैं। जिस शास्त्रीय अवार्ड के आधार पर यह क्लेम प्रार्थी लेकर आया है, उसके बारे में वह जानता ही नहीं है। यदि दस्तावेज प्रदर्श डब्ल्यू. 1 से प्रदर्श डब्ल्यू. 23 का अवलोकन करें, तो उसमें कहीं भी प्रार्थी का नाम अंकित नहीं है। सिर्फ सफाई के पैसे दिये गये, इतना ही लिखा हुआ है। ऐसी स्थिति में यह नहीं माना जा सकता कि यह भुगतान प्रार्थी सत्यनारायण सैन को किया गया हो। अन्य दस्तावेज भी प्रार्थी की साक्ष्य के अनुरूप नहीं हैं। प्रार्थी को द्विपक्षीय व त्रिपक्षीय समझौते का पता ही नहीं है, जबकि उन्हें ही आधार बनाकर क्लेम पेश किया गया है। उसके बाद उसने दिनांक 16.1.93 के बाद बैंक में कोई कार्य नहीं किया है, बल्कि वह 25-30 रुपये रोज कमाता था। इससे यह प्रकट है कि प्रार्थी अप्रार्थी बैंक में अस्थायी तौर पर 5/-रुपये प्रतिदिन में कार्य करता था। किसी भी बैंक में नियुक्ति एक निर्धारित प्रक्रिया के अन्तर्गत होती है और प्रार्थी के मामले में वह प्रक्रिया ही नहीं अपनाई गई, तो प्रार्थी के लिए जांच करवाना आवश्यक नहीं था। इसके अलावा अप्रार्थी बैंक की ओर से मनोहरलाल बाफना की साक्ष्य पेश हुई लेकिन प्रार्थी

की ओर से उससे कोई प्रतिपरीक्षा नहीं की गई, तो उनकी साक्ष्य अंखडित रही, जिसमें उन्होंने यह भी कथन किया है कि प्रार्थी स्वयं ने अधिक लाभ का कार्य मिल जाने के कारण बैंक का कार्य बंद कर दिया था, तो ऐसी स्थिति में प्रार्थी को अप्रार्थी बैंक द्वारा सेवामुक्त करना किसी भी प्रकार से अनुचित नहीं कहा जा सकता है।

13. अतः उपरोक्त विवेचन के आधार पर इस प्रकरण में निम्न अवार्ड पारित किया जाना न्यायोचित है, जो इसी अनुरूप पारित किया जाता है।

अवार्ड

14. अतः दी राजस्थान बैंक लि. अब आई.सी.आई.सी.आई. बैंक लि. के प्रबन्धन द्वारा श्रमिक श्री सत्यनारायण सैन की दिनांक 16.1.93 से की गई सेवामुक्ति उचित एवं वैध है तथा उक्त श्रमिक किसी प्रकार की राहत पाने का अधिकारी नहीं है। मामले के तथ्या व परिस्थिति में पक्षकारान खर्चा अपना-अपना स्वयं वहन करेंगे।

15. अधिनिर्णय लिखाया जाकर आज दिनांक 8.2.2019 को हस्ताक्षर कर सुनाया गया। अधिनिर्णय की प्रति केन्द्र सरकार को प्रकाशनार्थ नियमानुसार प्रेषित की जावे।

सतीश कुमार व्यास, न्यायाधीश

नई दिल्ली, 1 अप्रैल, 2019

का.आ. 515.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 64/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01.04.2019 को प्राप्त हुआ था।

[सं. एल-41012/117/94-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 1st April, 2019

S.O. 515.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 64/95) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the management of Western Railway and their workmen, received by the Central Government on 01.04.2019.

[No. L-41012/117/94 -IR(B-I)]

B. S. BISHT, Under Secy.

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

पीठासीन अधिकारी : सतीश कुमार व्यास, जिला न्यायाधीश संवर्ग

केस नंबर सी.आई.टी. 64/95,

सी.आई.एस. 15/14

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल.—

41012/117/904 आई.आर.[बी.1] केन्द्रीय सरकार, दिनांक 7.8.95

1. श्री भगवान सहाय पुत्र श्री रामदेव यादव, निवासी अहीरों की ढाणी,
वार्ड नंबर-15, खादीबाग चौमू, जिला-जयपुर (राज.) (मृतक दौरान कार्यवाही)।

1/1. श्रीमती नाथी पत्नि स्व. श्री भगवान सहाय,

1/2. अनिल कुमार पुत्र स्व.श्री भगवान सहाय,

1/3. सुनीता पुत्री स्व. श्री भगवान सहाय,

1/4. सुनील पुत्र स्व. श्री भगवान सहाय, समस्त जातियान्—अहीर,
निवासीयान्—अहीरों की ढाणी, वार्ड—15, खादी बाग, चौमू,
जिला जयपुर हाल निवासी ग्राम सिरसली, तहसील आमेर, जिला जयपुर।

...प्रार्थीगण

बनाम

सीनियर डी.जी.एम, पश्चिम रेल्वे, जयपुर (राजस्थान)

...विपक्षी

उपस्थित :

प्रार्थी की ओर से : श्री बृजेश कुमार शर्मा, योग्य प्रतिनिधि

अप्रार्थी की ओर से : श्री बलविन्द्र सिंह, योग्य प्रतिनिधि

अधिनिर्णय

दिनांक : 11.07.2018

- केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली से उपरोक्त आदेश के जरिये निम्न अनुसूची का विवाद अधिनिर्णय हेतु इस अधिकरण को दिनांक 21.8.95 को प्राप्त हुआ है।
- “Whether the action of the Sr. Divisional Commercial Manager [earlier designated as Sr.D.C.S.], Western Railway, Jaipur in dismissing the workman Shri Bhagwan Sahai Yadav, a stall Vendor w.e.f.20-7-1991 is Valid, Just and Proper ? If not, to what relief the workmen are entitled to ?”
- प्रकरण दर्ज रजिस्टर किया जाकर उभय पक्षकारान को नोटिस जारी किए गए। प्रार्थी की ओर से केन्द्रीय श्रम विभाग द्वारा अधिनिर्णयार्थ प्रेषित अधिसूचना के संदर्भ में स्टेटमेंट ऑफ क्लेम विपक्षी सीनियर डी.जी.एम. पश्चिम रेल्वे, जयपुर (राज.) के विरुद्ध दिनांक 15.3.99 को न्यायाधिकरण के समक्ष प्रस्तुत कर अभिकथन किया गया कि प्रार्थी श्रमिक की नियुक्ति विपक्षी के आदेश दिनांक 1.12.83 के द्वारा वेन्डर हैल्पर के पद पर स्केल 775—1025 में की गई थी। वह तभी से लगातार सेवायें करता आ रहा था कि प्रार्थी को विपक्षी ने आदेश दिनांक 20.7.91 के द्वारा सेवा से बर्खास्त कर दिया। उसे झूठे तथ्यों पर आधारित आरोपपत्र दिया, जिसका जवाब प्रार्थी ने समुचित आरोपों को अस्वीकार करते हुए यथा समय पर विपक्षी को प्रस्तुत कर दिया था और जो आरोप प्रार्थी पर लगाया गया है वही आरोप प्रार्थी पर पहले भी लगाया गया था जिसकी एसीएस जयपुर द्वारा जांच की जा चुकी है और उक्त जांच में प्रार्थी पर 50 रुपये का जुर्माना किया था, जो जमा हो गया था। प्रार्थी को उसी आरोप में पुनः आरोपपत्र दिया जाना न्यायोचित नहीं होना बताते हुए अभिकथन किया है कि उसे जांच कार्यवाही में आरोपों से संबंधित कोई दस्तावेज उपलब्ध नहीं कराये गये और न ही उसे जांच नियमों से अवगत कराया गया तथा न ही कोई उसे प्रतिनिधि नियुक्त करने के लिए स्वीकृति अथवा सलाह दी गई, यहां तक कि उसे दौरान जांच अपना पक्ष प्रस्तुत करने के लिए गवाह पेश करने का अवसर भी नहीं दिया गया और ना ही रेल्वे के गवाहान से जिरह करने का अवसर दिया गया। इस प्रकार से प्रार्थी को जांच में अपना पक्ष रखने का समुचित अवसर नहीं दिये जाने से ऐसी जांच शुद्ध नहीं होने का कथन किया है तथा जांच के पश्चात भी उसे सुनवाई का अवसर नहीं दिया गया तथा जांच प्रतिवेदन की प्रति भी उपलब्ध नहीं कराई गई। वह एक स्थायी श्रमिक था और उसे इस प्रकार बिना किसी ठोस कारण के सेवा से बर्खास्त किया जाना विधि के विपरीत होना बताते हुए उसके सेवामुक्ति आदेश को अनुचित, अवैध घोषित किया जाकर उसे पिछला पूरा वेतन, एवं समस्त सुविधाओं सहित बहाल करने का अवार्ड पारित किये जाने का निवेदन किया गया है।
- विपक्षी विभाग की ओर से प्रार्थी श्रमिक के स्टेटमेंट ऑफ क्लेम का जवाब प्रस्तुत कर अभिकथन किया है कि प्रार्थी द्वारा उक्त अपना सेवा से बर्खास्त करने का आदेश प्रस्तुत नहीं किया गया है, जिसको सिद्ध करने का भार प्रार्थी/श्रमिक पर है तथा प्रार्थी श्रमिक द्वारा स्टेटमेंट ऑफ क्लेम में वर्णित किये गये तथ्यों बाबत किसी प्रकार का रिकार्ड प्रस्तुत नहीं किया गया तथा ना ही यह बताया गया है कि किसके यहां वह नियोजित था। अन्त में प्रार्थी का स्टेटमेन्ट ऑफ क्लेम खारिज किये जाने की प्रार्थना की है।
- प्रार्थी श्रमिक श्री भगवान सहाय की मृत्यु दिनांक 8.10.1999 को हो जाने से उसके वारिसान को अभिलेख पर लिया गया।
- मैंने उभय पक्ष के विद्वान प्रतिनिधिगण की बहस सुनी एवं पत्रावली का अवलोकन किया।
- प्रार्थी श्रमिक के योग्य प्रतिनिधि का बहस के दौरान कथन रहा है कि जांच कब की गई और कब पूर्ण हुई इसका कोई अभिलेख पत्रावली पर नहीं है तथा किसी प्रकार की कोई सूचना प्रार्थी श्रमिक को नहीं दी गई। प्रार्थी को पूर्व में ही 50/—रुपये के जुर्माने से दण्डित कर दिया गया था तो फिर सेवापृथक किया जाना प्राकृतिक न्याय के सिद्धांतों के परे है। अतः प्रार्थी के सेवा पृथक्करण आदेश को अवैध व अनुचित घोषित किया जावे।

8. जबकि विद्वान प्रतिनिधि वास्ते अप्रार्थी का दौराने बहस तर्क रहा है कि जो दस्तावेज प्रस्तुत हैं उनमें प्रार्थी ने अपना नियुक्ति आदेश की प्रस्तुत नहीं किया है। अतः यह नहीं माना जा सकता कि प्रार्थी अप्रार्थी रेल्वे विभाग का कर्मचारी हो। अतः प्रार्थी श्रमिक का स्टेटमेन्ट ऑफ क्लेम खारिज किया जावे।

9. हमने उभय पक्ष के तर्कों पर मनन किया व पत्रावली का अवलोकन किया।

10. पत्रावली पर विभागीय जांच में कोई दस्तावेज उपलब्ध नहीं है। इस बाबत जब विद्वान प्रतिनिधि अप्रार्थी से पूछा गया तो उनका कथन रहा कि उनके पास विभागीय जांच के कोई दस्तावेज ही नहीं हैं। इस सन्दर्भ में पत्रावली पर उपलब्ध पदस्थापन आदेशों का भी अवलोकन करें तो प्रदर्श डब्ल्यू 2 दस्तावेज से कहीं भी यह प्रकट नहीं होता कि प्रार्थी श्रमिक श्री भगवान सहाय पुत्र श्री रामदेव यादव को अप्रार्थी रेल्वे ने अपने यहां पर कभी पदस्थापित किया हो। प्रार्थी श्रमिक श्री भगवान सहाय की मृत्यु होने से उसके पुत्र अनिल कुमार को प्रार्थी की ओर से परीक्षित करवाया गया तो उसने स्पष्ट स्वीकार किया कि उन्होंने नौकरी से निकाले जाने का कोई दस्तावेज पेश नहीं किया है। उसे तो यह भी जानकारी नहीं है कि उसके पिता को आरोपपत्र दिया गया। ऐसा कोई दस्तावेज भी पेश नहीं किया जिससे प्रकट हो कि उसके पिता ने 240 दिन विपक्षी विभाग में नौकरी की हो। इसके विपरीत विपक्षी विभाग अप्रार्थी की ओर से ग्यारसीलाल स्वामी ने कथन किया है कि प्रार्थी श्रमिक ने अपना कोई नियुक्तिपत्र भी नहीं बताया है तथा इन तथ्यों का कोई खण्डन भी प्रार्थी श्रमिक की ओर से नहीं किया गया है।

11. उपरोक्त तथ्यों को यदि देखें तो प्रार्थी श्रमिक यह कहकर आया है कि उसे दोहरा दण्ड दिया गया है, किन्तु प्रार्थी ने अप्रार्थी विभाग का कोई पदस्थापन आदेश प्रस्तुत नहीं किया है और जो दस्तावेज प्रार्थी की ओर से बताये गये हैं उसमें प्रार्थी श्रमिक भगवान सहाय पुत्र श्री रामदेव यादव का नाम नहीं है। उसका यह कथन है कि आदेश सं. 15379/1984 में उसका नाम 26वें नंबर पर है, किन्तु 26वें नंबर पर भगवान सहाय पुत्र श्री किशनलाल का नाम अंकित है, इस प्रकार प्रार्थी श्रमिक के पिता का नाम यहां सामंजस्य नहीं रखता है। कुल मिलाकर यह प्रमाणित नहीं होता कि प्रार्थी श्रमिक श्री भगवान सहाय अप्रार्थी विभाग का नियुक्त श्रमिक रहा हो। अतः हमारी राय में यह रेफरेन्स स्वीकार किये जाने योग्य नहीं है।

12. अतः उपरोक्त विवेचन के फलस्वरूप इस रेफरेन्स का उत्तर निम्न प्रकार दिया जाना समीचीन है :—

अधिनिर्णय

13. अतः उपरोक्त विवेचन के आधार पर प्रार्थी श्रमिक भगवान सहाय यादव किसी प्रकार की राहत प्राप्त करने का अधिकारी नहीं होने से उसकी ओर से प्रस्तुत यह स्टेटमेन्ट ऑफ क्लेम अस्वीकार किया जाकर खारिज किया जाता है। मामले के तथ्य व परिस्थिति में पक्षकारान खर्चा अपना-अपना स्वयं वहन करेंगे।

14. अधिनिर्णय लिखाया जाकर आज दिनांक 11.07.2018 को हस्ताक्षर कर खुले न्यायाधिकरण में सुनाया गया। अधिनिर्णय की प्रति केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजी जावे।

सतीश कुमार व्यास, न्यायाधीश

नई दिल्ली, 1 अप्रैल, 2019

का.आ. 516.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 92/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20.03.2019 को प्राप्त हुआ था।

[सं. एल-20012/518/1998-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st April, 2019

S.O. 516.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 92/1999) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 20.03.2019.

[No. L-20012/518/1998 -IR(C-1)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 92/1999**

Employer in relation to the management of W.J. Area of M/S. BCCL

AND**Their workman****Present :** Shri D.K. Singh, Presiding Officer.**Appearances:**

For the Employers : Shri D.K.Verma, Advocate

For the workman. : None

State : Jharkhand.

Industry: Coal

Dated: 21.2.2019

AWARD

By order No. L-20012/518/1998-IR(C-I) dated 17/05/1999 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management in dismissing the workman Sri Haripada Bauri due to absenteeism from service is justified? If not, what relief the concerned workman is entitled to?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently the workman left appearing before the Tribunal since 18.3.2003. Case is pending since long and workman is not appearing, so, it is felt that workman has lost his interest to resolve the matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2019

का.आ. 517.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 96/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20.3.2019 को प्राप्त हुआ था।

[सं. एल-20012/294/1995-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st April, 2019

S.O. 517.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 96 of 1996) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 20.3.2019.

[No. L-20012/294/1995 -IR(CM-1)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 96/1996**

Employer in relation to the management of Block II Area of M/S BCCL

AND**Their workman****Present:** Shri D.K. Singh, Presiding Officer**Appearances:**

For the Employers : Shri D.K.Verma, Advocate

For the workman : None

State : Jharkhand.

Industry- Coal

Dated: 21.2.2019

AWARD

By order No. L-20012/294/1995-IR(CM-I) dated 1/11/1996, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the union for the placement of Sh. Arun Kumar Clerical Grade-II in clerical Grade-I w.e.f. 20.1.1989 with all subsequential benefits is justified? If so, to what relief is the said workman entitled?”

2. After receipt of the reference, both parties were noticed but after issuance of three regd. Notices, none has appeared on behalf of the workman. More over one of the notices returned with endorsement “Not Known”. This Case is pending since long ,but the workman has never appeared. So, it appears that the workmen has lost his interest to resolve the matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2019

का.आ. 518.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 179/1999 को प्रकाशित करती है, जो केन्द्रीय सरकार को 20.03.2019 को प्राप्त हुआ था।

[सं. एल-20012/222/1999-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st April, 2019

S.O. 518.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 179 of 1999) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 20.3.2019.

[No. L-20012/222/1999 -IR(C-1)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D. Act. 1947**Reference: No. 179/1999**

Employer in relation to the management of Swang Colliery M/S. CCL

AND**Their workmen****Present :** Shri D.K. Singh, Presiding Officer**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry- Coal

Dated: 21.2.2019

AWARD

By order No. L-20012/222/1999-IR(C-I) dated 3/11/1999, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Swang Colliery of M/S. Central Coalfield Ltd. in not regularizing Kalachand Singh Cat-II Mazdoor as Driver Cat-V is legal and justified ? If not, to what relief the concerned workman is entitled?”

2. After receipt of the reference, both parties were noticed and both parties appeared for certain dates, but subsequently left appearing before this Tribunal, subsequently two regd. Notices was issued but none has appeared from either side. Case is pending since long so, it appears that the workmen has lost his interest to resolve the matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2019

का.आ. 519.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 200/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20.3.2019 को प्राप्त हुआ था।

[सं. एल-20012/383/1999-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st April, 2019

S.O. 519.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 200 of 1999) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 20.3.2019.

[No. L-20012/383/1999 -IR(CM-1)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 200/1999**

Employer in relation to the management of Barora Area M/S. BCCL

AND**Their workman****Present:** Shri D. K.Singh, Presiding Officer**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand.

Industry- Coal

Dated : 28.2.2019

AWARD

By order No. L-20012/383/1999-IR(CM-1) dated 30/11/1999, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Barora Area M/S BCCL not sending Md. Ansari to Medical Board and in an earlier Medical Board in which his name is not mentioned and superannuating him according to Date of Birth recorded in form B Register is justified . If not to what relief the concerned workman is entitled to?”

2. After receipt of the reference, both parties were noticed but both parties failed to appear before this Tribunal. Subsequently two regd. Notices were issued but even then none of the parties appeared. Case is pending since long. so, it appears that the workmen has lost his interest to resolve the matter. Hence No Dispute Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2019

का.आ. 520.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 206/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20. 3.2019 को प्राप्त हुआ था।

[सं. एल-20012/293/2001-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 1st April, 2019

S.O. 520.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 206 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 20.3.2019.

[No. L-20012/293/2001- IR(C-1)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 206/2001**

Employer in relation to the management of Katrash Area of M/S. BCCL

AND**Their workman****Present :** Sri D.K.Singh, Presiding Officer**Appearances:**

For the Employers : Shri D. K.Verma, Advocate

For the workman : Shri S.C. Gour, Rep

State : Jharkhand.

Industry- Coal

Dated :28.2.2019

AWARD

By order No. L-20012/293/2001-IR(C-I) dated 21/09/2001 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the demand of the union to accept the date of birth of Sri Achhelal Napit as 1.7.1950 from the management of west Mudidih Colliery of BCCL is justified? If so to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties were noticed and during the hearing of the case, Ld. Vice President of Sponsoring Union has informed that workman has not been interested in contesting the case. It is felt that the workman has lost his interest to resolve the matter. Hence “No dispute” award is passed. communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2019

का.आ. 521.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 125/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2.4.2019 को प्राप्त हुआ था।

[सं. एल-12012/61/1998-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 2nd April, 2019

S.O. 521.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 125/2004) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial Dispute between the management of Dena Bank, and their workmen, received by the Central Government on 2.4.2019.

[No. L-12012/61/1998 -IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer,
 CGIT-cum-Labour Court,
 Ahmedabad,
 Dated 12th March, 2019

Reference: (CGITA) No. 125/2004

The General Manager,
 Dena Bank,
 Dena Laxmin Building, Ashram Road,
 Ahmedabad (Gujarat) – 380009

...First Party

V/s

Shri Nalin P. Shah,
 3, Row House, Yogna Purushnagar, Ghatlodia,
 Ahmedabad (Gujarat)

...Second Party

For the First Party : Shri J.M. Patel

For the Second Party : Shri V.J. Patel

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/61/98–IR(B-II) dated 4.12.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Dena Bank in terminating the services of Shri Nalin P. Shah vide their order dated 17.09.1997 is legal and justified? If not, to what relief the said workman is entitled?”

1. The reference dates back to 04.12.1998 and received on 17.12.1998 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. After issuing notice to the parties, the second party workman Nalin P. Shah, hereinafter referred to as ‘workman’ submitted the statement of claim Ex. 3 on 22.03.1999 and the first party The General Manager, Dena Bank, Dena Laxmin Building, Ashram Road, Ahmedabad, hereinafter referred to as ‘Bank’ submitted the written statement Ex. 10 on 26.04.2000.
3. The second party workman in his statement of claim Ex. 3 has alleged that he had been working as cashier cum clerk at Saraspur Branch of the first party Dena Bank, Ahmedabad as a permanent employee. He was put under suspension on 26.06.1996 for the alleged act of misappropriation of the customer’s money given to him to deposit in the customer’s account. He was served charge-sheet on 02.07.1996 regarding the aforesaid charge of gross misconduct in terms of Para 19 (5) (d) and (j) of the Bi-partite Settlement dated 19.10.1996. The provisions of the aforesaid clauses 5 (d) and 5 (j) are as under:

“19.5 (d) : Wilful damage or attempt to cause damage to the property of the Bank or any its customers.”

“19.5 (j) : During any act prejudicial to interest of the Bank and/or likely to involve the Bank in serious loss or committing fraud.”

The first party after receiving the reply of the workman appointed an Enquiry Officer named D.C. Upadhyay asking the workman to appear before him on 30.09.1996 for facing enquiry. On 29.09.1996, the Presenting Officer of the first party Bank submitted the documents along with the list of witnesses to be examined before the Enquiry Officer. On 30.09.1996, the workman was denied to engage a lawyer to defend his case while permitting him to examine the documents submitted by the Presenting Officer. After examination of the witnesses and enquiry, the Enquiry Officer submitted the enquiry report on 07.04.1997 finding him guilty in the enquiry. He has alleged that the enquiry, denying the defence lawyer and refusal of adjournment in the enquiry on the ground of his wife suffering with carcinoma, was

violative of the principles of natural justice. The Presenting Officer of the Bank also did not examine the customers as witnesses whose money was alleged to have been misappropriated by the workman. Thus the finding was also suffering with bias and arbitrary. On 29.07.1997, Assistant General Manager and Disciplinary Authority of the Bank gave him a show cause notice regarding punishment to remain present on 08.08.1997. On 08.08.1997, the workman was not permitted to present his case through advocate and he was ordered to dismiss from service on 17.09.1997. The workman also moved an appeal before the Appellate Authority. Same was also dismissed on 13.11.1997. Thus he has alleged that the order of dismissal from service of the workman was illegal, improper and in violation of the principles of natural justice and liable to be set aside. Thus he has prayed for reinstatement with back wages and any other relief as the Tribunal deems fit.

4. The first party in his written statement Ex. 10 denying the averments made in the statement of claim admitting that the workman while working as cashier cum clerk misappropriated the money of customers who gave him for depositing in their accounts. Therefore, he was put under suspension on 26.06.1996 and was charge-sheeted on 27.07.1996. The one of the vital charges against him was that he fraudulently pocketed the amounts given by the customers to him for crediting in their accounts. The workman gave unsatisfactory explanation to it, therefore, the enquiry was ordered into the said misconduct. In the enquiry, he was permitted to examine all the documents and cross-examining the witnesses produced by the Presenting Officer but he refused to cross-examine them on the ground of denying the facility of an advocate to defend his case which was rightly rejected by the Bank. Thus in the absence of cross-examining the witnesses, he was found guilty of the charges and was ordered to be dismissed vide order dated 13.11.1997. He was also given the opportunity to give his explanation against the show-cause notice and was also permitted to move an appeal which was rightly rejected as the charges against him were of gravity nature.

5. The workman vide list Ex. 11 submitted 18 documents namely copy of charge-sheet, enquiry report, order of Appellate Authority, proposed punishment etc.

6. On the basis of the pleadings, the following issues arise:

- i. Whether the action of the management of Dena Bank in terminating the services of Shri Nalin P. Shah vide their order dated 17.09.1997 is legal and justified?
- ii. To what relief, if any, the concerned workman is entitled?

7. **Issue No. i and ii:** As both the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party workman who was examined vide Ex. 30 reiterating the averments made in the statement of claim in his examination-in-chief but in his cross-examination, he has not said anything which may establish that the enquiry was in violation of principles of natural justice and the punishment awarded was arbitrary and excessive.

8. Both the advocates of the parties submitted the written arguments vide Ex. 26 and 29 respectively. I considered the evidence available on record and arguments submitted by both the parties. It is an admitted fact that the Presenting Officer did not examine the customers whose money was alleged to have been misappropriated or pocketed by the delinquent workman but the witnesses who were examined were not cross-examined by the workman without any reason on a flimsy ground of denial of advocate to defend him. It is a basic principle of law that the charges must have been proved by the best available evidence and in this case, best available evidence was the evidence of the customers whose money were alleged to have been misappropriated. As the workman has not challenged the enquiry despite the fact that customers were not examined by the Bank in the department enquiry which shows that the customers either manipulated by the workman or the customers do not find any mala-fide on the part of workman. Therefore, in the absence of the evidence of the customers, the punishment of dismissal appears to be excessive, unjustified and without reasons. But as admitted by the advocate of the workman that the workman has attained the age of superannuation, therefore, reinstatement of the workman in service cannot be granted. However it would be appropriate that the workman ought to be given gratuity and provident fund. Thus both the issues are decided accordingly.

9. The first party Bank is directed to give gratuity and provident fund benefits to the second party workman named Nalin P. Shah within 60 days from the publication of the award.

10. The award is passed accordingly.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2019

का.आ. 522.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 572/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02.04.2019 को प्राप्त हुआ था।

[सं. एल-12012/155/2003-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 2nd April, 2019

S.O. 522.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 572/2004) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial Dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 02.04.2019.

[No. L-12012/155/2003 -IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 12th March, 2019

Reference: (CGITA) No. 572/2004

The Dy. General Manager,
Bank of Baroda,
HRM Department, Zonal Office, North Gujarat Zone,
Opp. Income Tax Office, P.B. No. 11,
Ahmedabad (Gujarat) – 380028

...First Party

V/s

Shri Pravinbhai Vadilal Solanki,
9, Hindi Samaj Society, Old Dhor Bazar,
Near Baliyakaka Temple, Shahalam,
Ahmedabad (Gujarat) - 380028

...Second Party

For the First Party : Shri V.K. Mashar

For the Second Party : Shri V. J. Patel

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/155/2003-IR(B-II) dated 17.10.2003 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Shri Pravinbhai Vadilal Solanki, Ahmedabad for reinstatement in service w.e.f. 22.06.2002 by the management of Bank of Baroda, Zonal Office, Ahmedabad is proper and justified? If so, what relief the concerned workman is entitled for and since when?”

1. The reference dates back to 17.10.2003 and received on 03.11.2003 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.

2. After issuing notice to the parties, second party workman submitted the statement of claim Ex. 5 on 09.01.2004 and the first party submitted the written statement Ex. 8 on 30.04.2004.
3. The second party workman in his statement of claim Ex. 5 has alleged that he joined as daily rates Peon in the Maninagar Branch of the Bank of Baroda, hereinafter referred to as 'first party Bank on 27.06.1989. His duty hours have been from 10:00 AM to 06:30 PM. The first party Bank used to take work from him similar to the work rendered by the permanent employees of Bank. He was paid wages by way of vouchers. His service career in the Bank was spotless and clean. He worked in the first party Bank from 27.06.1989 to December, 1990 in Maninagar Branch, thereafter till December, 1994 in the Bhairavnath Branch, from 1995 to 1996 in the Service Branch and from 1997 to 2002 in the University Branch. He was used to be transferred from one branch to another as said above by way of oral orders and was never given any written order. He worked for more than 240 days in every calendar year. He also called for work even on Saturday and Sunday i.e. holidays. He was given the benefits of minimum wages and dearness allowance fixed thereon from time to time by the management. He was also paid bonus as admissible from time to time. He has further alleged that from the year 1996 to 1999, he also worked for 1270 days but despite the aforesaid facts, his services were orally terminated on 22.06.2002 without giving any notice, notice pay and retrenchment compensation. Thus his termination was illegal. He has further alleged that on 14.08.1991, an advertisement was published in the newspapers that the daily rates workmen who had completed 90 days from 01.01.1982 to 31.12.1990 and worked for more than 140 days during the year 1989 to 1990 shall be given priority for regularisation in the Bank's employment. He fulfils all the aforesaid criteria and applied for regularisation in furtherance of the aforesaid advertisement being in the seniority at Serial No. 25 but he was deprived of the said benefits. He has further alleged that after his termination, some other daily wagers were engaged. Thus his termination/retrenchment was in violation of the Section 25 F, G and H of the Industrial Disputes Act.
4. The first party Bank denied the averments made in the statement of claim stating that the reference has been suffering with delay and latches. The workman has not come with clean hands. He never worked for more than 240 days in any calendar year. He has also not completed one year of continuous service in terms of Section 25 B of the Industrial Disputes Act. The Manager of the Branch was not authorised and competent to appoint any employee or engaged workman as per the settled legal position and appointment, if any, made by the Branch Manager is de-hors the recruitment rules violating the public policy. He was never engaged by the Bank through employment exchange, therefore, termination of service cannot be said to be illegal.
5. The second party submitted number documents vide list Ex. 9 marked vide 9/1 to 9/9 and exhibited vide Ex. 26 to 32. The document 9/1 (Ex. 26) is a certificate given by the Bank that during the year 1989 to 1990, he has completed 240 days. Mark 9/2 is a certificate given by the Bank that the second party has worked 1270 days from 01.04.1996 to 23.12.1999 but the said documents do not bears the signature of the first party. Mark 9/3 (Ex. 27) is an advertisement. Mark 9/4 (Ex. 28) is a list of candidate who worked on temporary basis for 90 days or above during 01.01.1982 to 31.12.1990. Mark 9/5 (Ex. 29) is showing the details of working days of temporary peons. Mark 9/6 (Ex. 30) is a certificate given by the first party. Mark 9/7 (Ex. 31) is a circular. Mark 9/8 (Ex. 32) is a photo copy of cheque. Ex. 33 is a circular and tri-parte settlement dated 18.03.2008. Ex. 34 is a reproduction of Ex. 33 and Ex. 35 is the bank statement of the second party from 21.06.1996 to 28.09.2002. The second party has produced 2 documents vide Ex. 22 which are copy of acknowledgement of application sent to the first party for job and copy of school leaving certificate which are marked as Ex. 22/1 to 22/2.
6. The first party Bank submitted 4 documents vide list Ex. 17 which contains the complaint filed by the second party before the Regional Labour Commissioner (RLC), reply filed by the Bank before the Regional Labour Commissioner (RLC), rejoinder filed by the second party before the Regional Labour Commissioner (RLC) and reply to the rejoinder by the first party. These documents were exhibited vide Ex. 18 to 21.
7. The second party has demanded 5 documents from the first party. The said documents are vouchers of Maninagar Branch from 1989, vouchers from Bhairavnath Branch from December 1991 to December 1994, vouchers of Service Branch from 1995 to 1996, vouchers of University Branch from 1997 to June 2002 and muster roll of workman. The Bank has filed the reply vide Ex. 6 to 10 and after hearing the parties, the then Presiding Officer has directed the Bank to produce the documents as demanded by the second party vide Ex. 6. The first party has filed an affidavit vide Ex. 15 and stated that the details of demanded vouchers are vague and not clear. He has not stated of which head he has demanded the vouchers. Demanded documents are of 20 years old. Whether it is preserved or not cannot be said as the Bank destroyed the old record. If second party demand the documents with specific particular i.e. exact date, exact head then the Bank will make proper submissions and if documents are available then it can be produced. The documents

demanded by the second party are vague and not clear. So far register of daily wagers is concerned, Bank does not maintain the register; hence question does not arise for production of the same.

8. On the basis of the pleadings, the following issues arise:

- i. Whether the demand of Shri Pravinbhai Vadilal Solanki, Ahmedabad for reinstatement in service w.e.f. 22.06.2002 by the management of Bank of Baroda, Zonal Office, Ahmedabad is proper and justified?
- ii. To what relief, if any, the concerned workman is entitled?

9. **Issue No. i and ii:** As both the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party workman who submitted his affidavit Ex. 13 reiterating the averments made in the statement of claim admitted that there are rules for recruitment in the first party Bank. He also admitted that the employees of Bank are used to be transferred by written orders. He was receiving the wages on daily rated basis.

10. The first party examined by way of affidavit Ex. 25 the Chief Manager (HRM), Rajesh Girdherbhai Gohel. He reiterated the averments made in the written statement in his affidavit and verified the documents submitted by the Bank vide list Ex. 7. He has admitted that this workman was engaged by the Branch Manager of the Maninagar Branch of the Bank on 27.06.1989 and he worked till December 1990.

11. I considered the oral and documentary evidence available on record and heard the arguments of the advocates for the parties. Admittedly, the second party workman was engaged as daily wager and was not appointed as per the recruitment rules of the Bank which is a state instrumentality and is having its own recruitment rules. The workman has admitted in his cross-examination that he was not appointed as per the recruitment rules of the Bank.

12. The questioned advertisement Ex. 27 by which the daily wagers are to be absorbed and regularised reveals that the daily wager must have passed 7th standard and has completed 18 years of age but not more than 26 years at the time of initial appointment. But admittedly, the second party joined the first party Bank on 27.06.1989 and the document Ex. 22/2 submitted by the second party workman which is a school leaving certificate reveals his date of birth as 17.11.1960, thus the workman at the time of initial entry in the Bank was 29 years old. Therefore, he was ineligible to be considered for absorption and regularisation as per the advertisement in question. Moreover, the workman cannot be said to be entitled for reinstatement on the basis of school leaving certificate Ex. 22/2 as he completed the age of 59 years.

13. The workman has not given any evidence as to how the provisions of Section 25 G and H are not followed in the present case. It is a legally settled position that no person can be appointed in any state service or state instrumentality de-hors the recruitment rules; therefore, he cannot be granted the relief of reinstatement as prayed by him.

14. There are number of decisions of the apex court that if there is any breach of Section 25 of the Industrial Disputes Act, the daily wagers who have served for a number of years and are being terminated may be given lump-sum compensation. The apex court in Deputy Executive Engineer V/s Kuberbhai Kanjibhai, 2019 (1) CLR 497 awarded Rs. 100000/- to the worker as a lump-sum compensation. Similarly, in Union of India V/s Raghuvver Pal Singh, 2018 III CLR 155, wherein the apex court has held that any appointment of employee in the state or public bodies made without requisite rules and regularisations is invalid and cannot be sustained in law.

15. Thus in the light of the judgement of Deputy Executive Engineer V/s Kuberbhai Kanjibhai (supra) as the workman has completed 59 year of age and lost his utility in service but as he worked for more than 8 years and from 01.04.1996 to 23.12.1999 for 1217 days and the first party witness Rajesh Girdharbhai Gohel in his cross-examination admitted that this workman engaged on 27.06.1989 and worked till December, 1990 but he evaded reply regarding the payment of wages. Thus on the basis of the observations made above, I deem fit that this workman may be compensated by way of lump-sum of Rs.100000/- (Rupees One Lac). Both the issues are decided accordingly.

16. The first party The Dy. General Manager, Bank of Baroda, HRM Department, Zonal Office, North Gujarat Zone, Opp. Income Tax Office, P.B. No. 11, Ahmedabad is directed to give lump-sum compensation of Rs.100000/- (Rupees One Lac) to the second party workman named Pravinbhai Vadilal Solanki within 60 days from the publication of the award.

17. The award is passed accordingly.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 2 अप्रैल, 2019

का.आ. 523.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 06/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02.04.2019 को प्राप्त हुआ था।

[सं. एल-12012/16/2009-आईआर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 2nd April, 2019

S.O. 523.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2009) of the Cent.Govt.Indus. Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial Dispute between the management of UCO Bank, and their workmen, received by the Central Government on 02.04.2019.

[No. L-12012/16/2009 -IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad,
Dated 13th March, 2019

Reference (CGITA) No. 06/2009

1. The Regional Manager,
UCO Bank, UCO Bhavan, Near Sanyas Ashram, Ashram Road,
Ahmedabad (Gujarat) – 380009.
2. The Branch Manager,
UCO Bank,
Rakhial Branch, Ahmedabad (Gujarat)

...First Parties

V/s

Shri Hasmukh M. Patel,
7, Ravindra Nagar Soc,
Industrial Corner, Bapunagar,
Ahmedabad (Gujarat)

... Second Party

For the First Parties : Shri B.M. Joshi

For the Second Party : Shri V.K. Jani

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/16/2009-IR (B-II) dated 18.08.2009 referred the dispute for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of UCO Bank in terminating the services of Shri Hasmukh M. Patel w.e.f. 20.10.1998 is legal and justified? What relief the concerned workman is entitled to?”

1. The reference dates back to 18.08.2009. After service of notices, the second party Hasmukh M. Patel submitted his statement of claim Ext. 7 along with the vakalatpatra Ext. 6 of his advocate V.K. Jani. He has alleged in his statement of claim that he was appointed and had been working as clerk in the opposite party United Commercial Bank, Porbandar Branch of Gujarat since 07.12.1981 sincerely and honestly. His record was clean and blotless. The first party No. 1 United Commercial Bank with a regional office at Ashram Road Ahmedabad is a nationalised bank wholly owned by the Central Government and covered under the provisions of Industrial Disputes Act, 1947. Thereafter he was transferred to Sarangpur Branch of Ahmedabad but the first party closed down the aforesaid Sarangpur Branch. Consequently he was transferred to Rakhial Branch of Ahmedabad on 12.10.1994. The first party filled up second party pension form on 28.11.1994 but inform the second party in this regard on 30.05.1996. He further alleged that he had been suffering with severe back pain therefore he was unable to attend the duty and applied for leave on 14.06.1996, 19.07.1996 and 30.07.1997. Later he wanted to resume his duties but could not join on account of illness. He informed the first party time to time regarding his absence due to illness. He was having a balance of PL leave and sick leave of 240 and 495 days respectively. He further alleged that the first party served a show cause notice on 15.09.1998 for unauthorised absence of duty. He replied to the aforesaid notice with documentary evidence and certificates on 08.10.1998 but the first party terminated his services on 20.10.1998 without following the due procedure of law. The first party did not conduct any departmental enquiry into his absence from duty and also had not given him the opportunity of hearing. Thus, the order in question of his termination of service is arbitrary, mala fide, violative of principle of natural justice and against all canons of fair play and policy. Thus the order of termination required to be quashed and set aside. Thus he has prayed for reinstatement of his service with back wages and also to declare the termination order in question as illegal and unjustified.

2. The first party in his written statement Ext. 14 denied all the averments of the statement of claim and submitted that the second party had been absent from duty since 30.07.1996 without any authorization therefore he was served with a notice as per the terms of Clause 17 of 5th Bipartite settlement 10.04.1989. The said notice was neither replied by the second party nor did he resume the duty. The second party did not prefer to give any explanation or satisfactory reasons for his continued unauthorised absence for more than 827 days. Therefore, in terms of Clause 17 of 5th Bipartite settlement 10.04.1989, the second party had been deemed to have voluntarily retired from the date of expiry of the said notice dated 15.09.1998 which was received by the second party on 18.09.1998. Therefore as per the terms of Clause 17 of 5th Bipartite settlement 10.04.1989, second party was presumed to have vacated his post by way of voluntary retirement w.e.f. 20.10.1998. Accordingly his name was struck off from the muster role of the bank. Second party was informed accordingly on 27.11.1998 and requested the second party to submit his papers for obtaining the terminal benefits. It is further submitted that after serving a letter dated 27.11.1998, second party came personally to the first party head office and gave an application for voluntary retirement from service of the bank on 31.01.2001. Bank paid all the retirement benefits to the second party. It is further submitted that in the facts and circumstances of the case, the second party remained absent for 827 days without any authorization therefore as per the terms of Clause 17 of 5th Bipartite settlement 10.04.1989, it was presumed that second party vacated his post by voluntary retirement and reference has no force and deserves to be dismissed.

3. On the basis of the pleadings, only issue or question which is to be addressed by the tribunal as follow : -

- a. Whether the action of the management of UCO Bank in terminating the services of Shri Hasmukh M. Patel w.e.f. 20.10.1998 is legal and justified?
- b. What relief the concerned workman is entitled to?

- Finding -

- a. Whether the action of the management of UCO Bank in terminating the services of Shri Hasmukh M. Patel w.e.f. 20.10.1998 is legal and justified? The burden to prove this issue was lying on the second party. Second party in his statement of oath Ext. 16 reiterated the averments of the statement of claim Ext. 7 as discussed in the paragraph 1 of the award, wherein he has admitted that he had been suffering from back pain and bone fracture therefore he was unable to attend his duty. He applied for leave on 14.06.1996, 03.07.1997 and 19.07.1997 in writing and also submitted the medical certificates which have been filed in the court as Ext. 15/4 to 15/6 but without considering the aforesaid leave applications, the first party served him with a show cause notice dated 15.09.1998 Ext. 15/7 saying him as unauthorised absence. He gave the first party a reply on 08.10.1998 Ext. 15/8 but unfortunately the first party terminated his service vide letter 27.11.1998 w.e.f. 20.10.1998.

The record reveals that the first party UCO Bank did not prefer to cross-examine the second party workman Hasmukh M. Patel who reiterated in his examination in chief that he sent his medical leave applications Ext. 15/4, 15/5 and 15/6. The copies of these applications are filed by the second party which are not denied by the first party. These medical leave applications reveal that every time he applied for 90 days medical leaves.

The record also reveals that first party appears to have not rejected these medical leave applications because had it been so, the first party would have filed the record to rebut these facts. Thus, in the said circumstances, had the first party not believed the fact of medical illness of the second party, it was the duty of the first party to order department proceedings against the second party workman in order to prove the fact of false leave or to ask the second party workman to produce himself before a medical board to ascertain the veracity of the fact of medical illness. Thus the failure on the part of the first party to order creation of medical board or departmental proceedings makes it a case of wrong full termination of the service of the second party workman. It is noteworthy that the learned counsel of the first party was asked to submit the whole record of the bank regarding the termination of the second party workman during the course of argument but it was told that they have no concern with the record and tribunal is free to pass the award on merit. Thus, I hereby come to the conclusion that the action of the management of UCO Bank in terminating the services of Shri Hasmukh M. Patel w.e.f. 20.10.1998 was illegal and unjustified. Thus this issue is decided accordingly.

- b. What relief the concerned workman is entitled to? In the light of the findings given in (a) it would be appropriate to order reinstatement of the second party workman in the bank with back wages because second party's services were terminated without following due process of law i.e. departmental enquiry. Thus this issue is decided accordingly.
4. The parties went into the Special Civil Application (SCA) before the Gujarat High Court in S.C.A. No. 5648 of 2016 wherein the High Court remanded the award to this Tribunal for deciding on a limited point of delay from 15.10.1991 to 18.08.2009. The second party workman on this point submitted his affidavit Ex. 27 wherein he has stated on oath that he filed a LPA No. 335/1999 in the High Court praying for reinstatement of service with full back wages which was later withdrawn by his advocate on 15.10.2001 but his advocate does not inform him that he withdrew the aforesaid LPA No. 335/1999 which came to his knowledge on 15.03.2008 while making enquiry into the High Court. Thereafter, he approached the proper forum that made this reference on 18.08.2009. But in his cross-examination, he has admitted that he used to visit his advocate twice in a month. He never made any complaint against the misconduct of the advocate regarding withdrawal of LPA without his consent. Moreover, he has not stated in his affidavit that he withdrew the LPA with his consent. Therefore, the workman has failed to explain the delay but Industrial Disputes Act does not provide for any limitation regarding the references under the Act. Therefore, I do not find that the reference was barred by limitation.
5. The order/award is passed accordingly.

P.K. CHATURVEDI, Presiding Officer